

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-06
CHILD NUTRITION PROGRAMS**

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0520-01-06-.01 GENERAL REGULATIONS.

The State Board of Education adopts by reference the Compilation of Federal Regulations at 7 C.F.R. Parts 210 and 220 in their entirety unless otherwise provided herein as the policies and procedures for administration of nutrition programs and services in the state.

Authority: T.C.A. §§ 49-41-320 and 49-6-2303. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed April 15, 1983; effective May 16, 1983. Repeal and new rule filed May 21, 1987; effective August 29, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Repeal and new rule filed May 26, 2015; effective August 24, 2015.

0520-01-06-.02 SCHOOLS ELIGIBLE TO RECEIVE FEDERAL ASSISTANCE FOR CHILD NUTRITION PROGRAMS.

- (1) The State Department of Education shall determine which schools are eligible to participate in the national school lunch, school breakfast, and other food service programs based upon an application submitted by the local board of education.
- (2) The State Department of Education shall enter into a USDA approved standard form of agreement with the appropriate local board of education. The agreement shall cover the operation of the national school lunch program, school breakfast program, and any other applicable child nutrition programs. This agreement shall contain all of the conditions prescribed in the federal-state agreement. The State Department of Education shall not reimburse a school in the absence of an agreement nor permit retroactive agreements.

Authority: T.C.A. § 49-6-2301 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed April 15, 1983; effective May 16, 1983. Repeal and new rule filed May 21, 1987; effective August 29, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992.

0520-01-06-.03 MINIMUM REQUIREMENTS FOR EACH PARTICIPATING SCHOOL.

Facilities and equipment for the storage, preparation, and serving of food shall be maintained by the local school system.

Authority: T.C.A. § 49-6-2301 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed April 15, 1983. Repeal and new rule filed May 21, 1987; effective August 29, 1987.

0520-01-06-.04 SPECIAL EXEMPTIONS FOR INFREQUENT SCHOOL-SPONSORED FUNDRAISERS.

Local Education Agencies (LEA) may set special exemptions for infrequent school-sponsored fundraisers that sell foods or beverages that do not meet the nutrition standards for Smart Snacks. Such specially

(Rule 0520-01-06-.04, continued)

exempted fundraisers shall take place no more than twenty (20) days per semester per school site. No specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. The principal of the school shall ensure that the twenty (20) day limit per semester is not exceeded.

LEAs shall include the special exemptions set for infrequent school-sponsored fundraisers in the Local Wellness Policy required by the Healthy, Hunger-Free Kids Act of 2010.

LEAs may request approval to exceed the twenty (20) day limit per semester from the Department of Education.

Authority: T.C.A. §§ 49-1-302, 49-6-2303, 78 Fed. Reg. 125 (June 28, 2013). **Administrative History:** Original rule filed May 25, 2005; effective August 8, 2005. Amendment filed November 30, 2007; effective March 28, 2008. Repeal and new rule filed May 26, 2015; effective August 24, 2015. Repeal and new rule filed March 31, 2016; effective June 29, 2016.

0520-01-06-.05 MINIMUM REQUIREMENTS FOR NON-PARTICIPATION.

High Schools may decline participation in the National School Lunch Program or the minimum nutrition standards established in this chapter through a district waiver request to the Department of Education provided that:

- (1) Schools must still provide free and reduced priced meals to qualifying students following the standards set forth by USDA;
- (2) The district complies with all other relevant provisions of T.C.A. § 49-6-2303; and
- (3) The district acknowledges that it will not receive federal or state funding for meals served at schools that are granted a waiver from participation in the National School Lunch program.

Waivers must be submitted to the Department of Education prior to July 1 annually. Waivers will not be granted to any school serving students below grade 9. Waivers do not apply to snack food and beverages sold to students during the school day.

Authority: T.C.A. §§ 49-41-320 and 49-6-2303. **Administrative History:** New rule filed October 7, 2016; effective January 5, 2017.