



Approved Private Schools for Students with Disabilities (Revised July 2018)
N.J.A.C. 6A:23A-18.23, Child Nutrition Frequently Asked Questions

1. Does N.J.A.C. 6A:23A-18.23 require Approved Private Schools for Students with Disabilities (APSSDs) to serve meals to its students?

No, APSSDs may choose to provide meals to students, but the requirements outlined in N.J.A.C. 6A:23A-18.23 must be met in order to include those costs in the calculation of the certified actual cost per student.

2. May a for-profit APSSD elect to participate in the Child Nutrition Program (CNP) administered by the New Jersey Department of Agriculture?

No, in keeping with federal regulations, for-profit APSSDs are ineligible to participate in the CNP.

3. Does the new rule require all APSSDs to participate in the Child Nutrition Program administered by New Jersey Department of Agriculture?

No, only public and non-profit schools may participate in the CNP.

4. Assuming that all other requirements have been met, how should APSSDs calculate the allowable total food service costs for the school?

For APSSDs serving lunch only, the allowable total food service costs is calculated based on the per diem price for lunch, plus the per diem price for breakfast for high school published annually by the New Jersey Department of Agriculture, multiplied by average daily enrollment (ADE) for the fiscal year. For APSSDs serving lunch and breakfast, the allowable total food service costs is calculated based on the per diem price for lunch, plus the per diem price for breakfast multiplied by two, for high school published annually by the New Jersey Department of Agriculture, multiplied by ADE for the fiscal year. Any expenditures, net of all revenue from charging students and the CNP, in excess of the allowable total food service costs, will be deemed non-allowable costs.

For the 2017-18 school year, the calculation of allowable total food service costs is (\$7 times ADE) for APSSDs serving only lunch and (\$9.75 times ADE) for APSSDs serving breakfast and lunch.

Please note that excess expenditures are permitted when solely attributable to substitutions to meals when the disability restricts the child's diet. APSSDs must maintain proper documentation supporting substitutions to meals when the disability restricts the child's diet, including, but not limited to: 1) medical documentation from the student's health provider supporting the meal substitution; and 2) invoices or other records detailing the expenditures related to each student's meal substitutions. For more information, please refer to the Chart of Accounts.

5. Must a school include the cost of a one-to-one aide or paraprofessional who assists a student with meals in total food service costs?

Yes, but only if the staff member's sole responsibility is to assist with the student's meals. The total compensation for a one-to-one aide or paraprofessional who works with the student throughout the school day, and also assists with the student's meals, should not be included in total food service costs.

6. How frequently must APSSD menus be approved by the New Jersey Department of Agriculture?

APSSDs must have menus approved annually by the New Jersey Department of Agriculture. Please note that this provision of the regulations, effective July 1, 2017, remains unchanged from the prior regulations.

7. May APSSDs provide meals that exceed the allowable total food service costs?

Yes; however, excess expenditures will be considered non-allowable costs that may not be included in the calculation of the certified actual cost per student. Therefore, excess expenditures must be funded through other source(s) outside of public school restricted funds.

8. May an APSSD use food as part of a behavior modification program?

Food may be used as a behavior modification so long as it complies with *N.J.A.C. 6A:23A-18.22*. The APSSD must adopt a policy that defines the procedures, evidence-based strategies, techniques and approaches used in the APSSD's behavior modification program, and the program may not include the replacement of meals or components of meals on a regular basis outside of special achievements outlined in the policy.

9. Where should the costs of food used for a behavior modification be charged?

The chart of accounts effective for the 2017-18 school year provides that food costs for a behavior modification policy that meets the standards set forth in *N.J.A.C. 6A:23A-18.22*. As such, cost of food used for behavior modification that is supported by a policy and meets the provisions of *N.J.A.C. 6A:23A-18.22* is charged in account numbers 11-000-280-XXX.

10. May an APSSD include the cost of food for instructional purposes in the instructional cost category?

No, an APSSD must record the cost of all food, other than food that meets the behavioral modification requirements set forth in *N.J.A.C. 6A:23A-18.22*, in total food service costs, as set forth in the chart of accounts effective for the 2017-18 school year. The cost of food used for instructional programs should be included in total food costs, but in account number 11-000-310-612, and will not be included in the amount that may not exceed the limit in *N.J.A.C. 6A:23A-18.23(a)1iv* and 2iii.

11. For for-profit APSSDs, what is the first step in obtaining menu approval?

To begin the approval process, forward a copy of *a two-week breakfast and lunch menu plan complete with portion sizes by grade grouping offered* as indicated on the Meal Pattern Charts on New Jersey Department of Agriculture's [website](#). These menus should provide two, five consecutive day periods. Because September does not always have two complete weeks, a different month's menu can be submitted. Please include the *County/District/School Number* on each menu submitted. All portions for every menu items served must be indicated by cup sizes for fruits, vegetables and milk. Bread and meat/meat alternates must be indicated by ounces served.

12. For nonprofit APSSDs that are not currently participating in the Child Nutrition Program administered by the New Jersey Department of Agriculture, what is the first step in obtaining menu approval?

Prior to submitting the menu(s), the "[Overview of the National School Lunch Program Meal Pattern/Menu Planning](#)" Webinar must be viewed by the Menu Planner of your school. Please ensure that all required information is entered.

To begin the approval process, forward a copy of *a two-week breakfast and lunch menu plan complete with portion sizes by grade grouping offered* as indicated on the Meal Pattern Charts on New Jersey Department of Agriculture's [website](#). These menus should provide two, five consecutive day periods. Because September does not always have two complete weeks, a different month's menu can be submitted. Please include the *County/District/School Number* on each menu submitted. All portions for every menu

items served must be indicated by cup sizes for fruits, vegetable and milk. Bread and meat/meat alternates must be indicated by ounces served.

13. What are the required meal patterns?

Please refer to the Lunch and Breakfast Meal Patterns, School Lunch Meal Pattern Vegetable Sub-Groups Fact Sheet and, School Lunch Meal Pattern Grains Fact Sheet which explains the meal pattern requirements for both meals. Portion sizes for each component are also listed on the charts, and are based on the grade groupings of students in your school. By following the information on these charts, meals served at your school will meet federal regulations as required by the Healthy Hunger-Free Kids Act of 2010. Key requirements also include:

- Milk must be low fat (1 percent) unflavored, fat free unflavored or fat free flavored.
- Vegetables offered over each week must comply with the sub-category requirements indicated on the “School Meal Pattern Vegetable Sub-Groups Fact Sheet” enclosed.
- Grains offered must be whole grain-rich: enclosed please find the “School Lunch Meal Pattern Grains Fact Sheet” for further guidance.

14. What is the annual due date for submitting the two-week menus?

The two week menus for each grade grouping should be emailed annually by **September 1** to snpspecialprojects@ag.nj.gov with the subject line “School Name - Allowable Costs - Menu.” In the body of the email, list the contact person’s name, title and email address.

Nonprofit APSSDs that *have a current agreement* with the School Nutrition Programs for the current school year beginning October 1 and ending September 30 *do not need* to submit menus. By signing the annual agreement to participate in the National School Lunch Program and/or the School Breakfast Program; sponsors have agreed to serve meals that comply with federal regulations and will be monitored during the regular review process.

15. What date should menu approvals be received by APSSDs each school year?

Menu approvals from the School Nutrition Programs should be received by APSSDs each school year by February 1.

16. What form should for-profit APSSDs not participating in the Child Nutrition Program use for determining if students should receive free, reduced price or paid meals?

For-profit APSSDs not participating in the Child Nutrition Program should use the Household Information Survey posted on the Department of Education's [website](#) to determine if students should receive free, reduced price or paid meals pursuant to *N.J.A.C. 6A:23A-18.23*. APSSDs with questions about this process or the form should contact the New Jersey Department of Education.