

August 23, 2011

Sent to schools participating
In the Elderly Nutrition Program

Agreement Number/Agency Code

The purpose of this letter is to provide clarification of the federal regulatory requirements that guide the administration of the State of Wisconsin's Elderly Nutrition (EN) program. As a School Food Authority (SFA) that has recently participated in the EN program, please review this information carefully to determine if your agency is meeting all of the requirements for participation prior to updating your online contract for the 2011-12 School Year.

Wisconsin's Elderly Nutrition Improvement Program

Since 1973, schools participating in federally funded school nutrition programs have been permitted to provide meals to elderly citizens of the community through a state-administered Elderly Nutrition program. Subsequently, Wisconsin authorized the establishment of an Elderly Nutrition Improvement Program in public and private schools, under Section 115.345 of Wisconsin Statutes, and placed administrative responsibility for the program in the Department of Public Instruction (DPI). The intent of the EN program is to allow local schools to voluntarily provide meals in the school setting to elderly persons who may not eat adequately for various reasons.

Program Location Requirements

Under Wisconsin Statutes, participating schools must offer the program at all middle and high schools and may choose to offer it in elementary schools. Offsite service may be allowed if it is more convenient to the majority of authorized elderly persons interested in the service. However, no state funds may be used to pay for food delivery to individual homes.

Eligible Participants

Any resident of the state who is 60 years of age or more, or the spouse of any such person, who may not eat adequately for various reasons, including lack of adequate funds to purchase meals, lack of knowledge and/or skills to prepare well-balanced meals, limited mobility or impairments that prohibit their ability to prepare meals, loneliness, and other psychological, physiological or economic changes that might result in their inability to access healthy foods, is eligible to participate in the program. Schools should be aware that the EN program is intended to offer open meal service to all eligible elderly citizens of the community, as defined by the above criteria on a daily basis, rather than as a means to provide free meals to age-qualified school employees or volunteers.

Program Costs

To avoid passing the cost of EN program meals to children, the full cost of the meal (including the value of commodities) should be recovered via appropriate meal price charges to elderly participants. Under Section 115.345 of the Wisconsin State Statutes, public/private school agencies are provided with funding for reasonable expenses incurred (excluding capital equipment costs), not to exceed 15 percent of the cost of the meal or 50 cents per meal, whichever is less. No funds are provided for state or local agency administration. School agencies should charge participants for any costs of the meal in excess of the reimbursement amount, or utilize another funding source to cover any excess costs of providing the meal. Any deficit in the food service fund resulting from meals served to the elderly at the end of the year must be eliminated by a transfer from the school's Community Service Fund.

Federal Title III - C Elderly Nutrition Program

In addition to the state-administered Elderly Nutrition Improvement program, Title III-C of the Older Americans Act (Public Law 95-478) established a federal program designed to provide meals and supportive services to persons 60 years of age and older and their spouse of any age. In Wisconsin, the Bureau of Aging and Long Term Care Resources in the Department of Health Services is the state agency responsible for the administration of the Federal Elderly Nutrition Program. The Bureau awards available funds to county and tribal governments for the purpose of providing meals to eligible elderly recipients. Funds appropriated under the Federal Elderly Nutrition Program may only be used for the provision of meals in addition to specified supportive services. A complete version of the regulatory guidance under Title III-C is available on the DPI website at fns.dpi.wi.gov/files/fns/doc/elderly.doc

A SFA may claim reimbursement under the State of Wisconsin's Elderly Nutrition Improvement Program while providing meals to the elderly through a Title III-C nutrition program, as long as meals are being provided via a **joint agreement**. SFAs that do not wish to provide meals via a joint agreement may furnish meals to other local agencies that serve eligible elderly recipients under Title III-C. However this must be done through a **competitive bidding** process and as such, is not eligible for reimbursement under the State of Wisconsin's DPI-administered Elderly Nutrition Improvement Program. Prior to deciding which option best meets the needs of elderly persons within your community please consider the following:

Joint Agreement

To participate in the State of Wisconsin's Elderly Nutrition Improvement Program via joint agreement, the SFA:

- Must have a signed contract on file at DPI to receive state-funded reimbursement for meals served to eligible participants.
- Must enter into a **joint agreement** (more information on joint agreements at <http://fns.dpi.wi.gov/files/fns/doc/elderly.doc>) with a county or tribal agency that provides services to the elderly **and** receives the negotiated per meal payment through the federal Title III-C3 Elderly Nutrition Program.
- Must remain the primary sponsor of the food service operation. Thus, the SFA is held accountable for the terms contained in the Elderly Nutrition Improvement Program contract with the DPI.

Competitive Bid

To participate in the State of Wisconsin's Elderly Nutrition Improvement Program via competitive bid, the SFA:

- Must bid to provide meals to the elderly who are participating in a qualified program provided by a county or tribal agency. The county or tribal agency is the primary program sponsor and is accountable to the Federal Elderly Nutrition Program contract through DHS.
- Is *not eligible* to participate in the State Elderly Nutrition Improvement Program and does not receive the state reimbursement payments.

Federal Meat Inspection Act/Poultry Products Inspection Act

Schools that sell meals to outside organizations through competitive bidding (i.e. providing meals for the elderly off-site) may be subject to additional food safety inspections under the Federal Meat Inspection Act/Poultry Products Inspection Act (FMIA/PPIA). The FMIA/PPIA inspection is conducted by the Food Safety and Inspection Service and is in addition to the two sanitation inspections required by the USDA for schools participating in Child Nutrition Programs. Information on the additional inspection requirements may be found on the USDA website at <http://www.fns.usda.gov/cnd/guidance/vending.htm>.

Participation in the Elderly Nutrition program is an excellent way for schools to partner with the community to provide services to older citizens who may not, for a variety of reasons, have access to nutritious meals. However, it is important for participating schools to assess current practices to ensure that the EN program is meeting the federal and state requirements outlined in this letter, prior to beginning School Year 2011-12. Additional information on state and federal EN programs may be downloaded from the DPI website at: http://fns.dpi.wi.gov/fns_elderly1. Questions concerning the EN program should be directed to Loriann Knapton, at 608-266-1046, or email loriann.knapton@dpi.wi.gov.

Sincerely,

June Paul, Director
School Nutrition Team