

Permanent Agreement and Free and Reduced-Price Policy Statement Frequently Asked Questions:

1. **Who should sign the Permanent Agreement and Free and Reduced-Price Policy Statement?**
 - a. Answer: The person that signs these agreements certifies that they are authorized to make this agreement on behalf of the Local Education Agency for the operation of the USDA School Nutrition Programs as administered by the South Dakota Department of Education, Child and Adult Nutrition Services. Generally, the Authorized Representative will sign these documents.

2. **Are the Permanent Agreement and Free and Reduced-Price Policy Statement required by federal requirements?**
 - a. Answer: Yes. Schools and eligible agencies are required by USDA regulation and federal guidance to have a Permanent Agreement submitted on file if your Local Education Agency (LEA) wishes to operate any of the School Nutrition Programs. Amendments or changes to these documents must be submitted before program changes take place at the School Food Authority or LEA.

There are no additional state requirements in the Permanent Agreement and Free and Reduced-Price Policy Statement. Each of these CANS prototype documents are designed to meet all the required USDA Food and Nutrition Services School Nutrition Program and Food Distribution Program in Schools requirements and guidance.

School may request to modify the State Prototype Permanent Agreement; all changes must meet relevant program requirements. School may also request to modify the State Prototype Free and Reduced-Price Policy Statement; all changes must meet relevant program requirements. Failure to meet federal regulation and guidance in one or both documents will result in a denial of the request to use a modification until all program requirements are met. Schools must submit modified versions for pre-approval at minimum 4-weeks before the school makes any significant program changes.

3. **My LEA operates under a Special Provision (2, 3, or Community Eligibility Provision), does my LEA have to complete both documents?**
 - a. Answer: Yes, both the Free and Reduced-Price Policy Statement and the Permanent Agreement apply to provision schools and must be signed and returned on time.

Additionally, any time your School Food Authority changes from a standard operating School Nutrition Program to a Special Provision (2, 3, or Community Eligibility Provision) a new Permanent Agreement and Free and Reduced-Price Policy Statement must be signed and submitted. Any time your School Food Authority changes from a Special Provision (2, 3, or Community Eligibility Provision) a new Permanent Agreement and Free and Reduced-Price Policy Statement must also be signed and submitted.

4. **Why has this document been updated?**
 - a. Answer: The previous update to both documents were made for the Healthy Hungry-Free Kids Act (HHFKA) of 2010, completed in School year 2013-14. The current version brings all the School Nutrition Program requirements up to date including the remaining

HHFKA requirements, resource management requirements, and federal procurement requirements. This update includes program regulations that are now consolidated under 2 CFR Part 200—Uniform Administrative Requirements, Cost Principles, And Audit Requirements for Federal Awards.

5. I haven't had to sign one of these before, is this a new process?

- a. Answer: Yes and No. Previously, LEAs could find a copy of the Permanent Agreement and Free and Reduced-Price Policy Statement in the Combined Agreement Part 4, 5, 6. This document was previously available on the CANS NSLP and SMP websites. The last Part 4, 5, 6 revisions were in SY2013-14 and included the first rounds of HHFKA regulatory requirements. There are new requirements in federal program regulations that must be added, as well as the updates made to 2 CFR Part 200. Additionally, our office has received notification from our Regional Office that the copy filed with the CANS office must have a signature from each LEA that wishes to operate a School Nutrition Program.

6. Can I just send the signature pages?

- a. Answer: No. Ultimately, this document will be posted to your LEAs annual agreement and the entire document for both the Permanent Agreement and the Free and Reduced-Price Policy Statement must be attached.

7. If these documents are permanent, why do I have to sign a new one?

- a. Answer: The Free and Reduced-Price Policy Statement must be updated any time there is a change to federal rules or when the LEA changes how they handle their free and reduced-price meal program(s). This agreement has been updated to include current USDA School Nutrition Program regulations and guidance in addition to updates made to 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

8. If my Authorized Representative signs one or both documents and then no longer works for my LEA, does my LEA have to sign and submit new documents?

- a. Answer: Both documents must be amended when the LEA makes a substantive change in its Free and Reduced-Price Policy Statement [7 CFR 245.10(c)] and/or changes the programs operated by the LEA. In general, the change in Authorized Representative is updated in the iCAN application and is not considered a substantive change. If you think you may have a substantive change, please contact the CANS office for guidance.