

## **CHAPTER 67-21-10 FRESH FRUIT AND VEGETABLE PROGRAM**

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### **67-21-10-01. Purpose.**

The fresh fruit and vegetable program, initiated at the federal level and in partnership with the states, is designed to provide free fresh fruits and vegetables to students in participating elementary schools during the school day at times other than breakfast, lunch, or after school snack and to encourage healthier school environments by promoting nutrition education and expansion of the variety of fruits and vegetables that children experience, through grants-in-aid and other means.

**History:** Effective January 1, 2020.

**General Authority:** NDCC 15.1-35-02, 28-32-02

**Law Implemented:** NDCC 15.1-35-01; 42 USC 1769a

### **67-21-10-02. State agency.**

The department of public instruction has been designated by the United States department of agriculture as the state agency in the state of North Dakota to assist in the implementation, maintenance, and funding of the program.

**History:** Effective January 1, 2020.

**General Authority:** NDCC 15.1-35-02, 28-32-02

**Law Implemented:** NDCC 15.1-35-01; 42 USC 1769a

### **67-21-10-03. Use of federal rules and policies.**

Unless otherwise specified in this chapter, eligibility to participate in the fresh fruit and vegetable program is governed by federal regulations. The local program shall conform to lawfully issued rules and policies relating to the federal fresh fruit and vegetable program.

**History:** Effective January 1, 2020.

**General Authority:** NDCC 15.1-35-02, 28-32-02

**Law Implemented:** NDCC 15.1-35-01; 42 USC 1769a

### **67-21-10-04. Eligibility.**

Local agencies eligible for participation in the fresh fruit and vegetable program include:

1. Educational units of elementary school grade, recognized as part of the educational system in the state;
2. Schools must participate in the national school lunch program to operate the fresh fruit and vegetable program; and

3. Section 19 of the National School Lunch Act requires schools with the highest free and reduced-price enrollment be given priority for participation in the fresh fruit and vegetable program.

**History:** Effective January 1, 2020.

**General Authority:** NDCC 15.1-35-03, 28-32-02

**Law Implemented:** NDCC 15.1-35-01; 42 USC 1769a

#### **67-21-10-05. Application.**

Local educational agencies must submit a fresh fruit and vegetable application that includes:

1. The total number of enrolled children;
2. The percentage of children certified as eligible for free and reduced-price meals;
3. A certification of support for participation of the fresh fruit and vegetable program signed by the school food service manager, the school principal, and the district superintendent; and
4. A program implementation plan, including efforts to integrate the fresh fruit and vegetable program with other efforts to promote childhood health and nutrition.

**History:** Effective January 1, 2020.

**General Authority:** NDCC 15.1-35-03, 28-32-02

**Law Implemented:** NDCC 15.1-35-01; 7 CFR 210.9; 42 USC 1769a

#### **67-21-10-06. Outreach.**

Before making decisions regarding school participation in the program, the state agency shall inform the schools within the state with the highest proportion of free and reduced-price meal eligibility, including Native American schools, of the eligibility of the schools for the program with respect to priority granted to schools with the highest proportion of free and reduced-price eligibility.

In providing information to high priority schools, a state agency shall inform the schools that likely would be chosen to participate in the program.

**History:** Effective January 1, 2020.

**General Authority:** NDCC 15.1-35-03, 28-32-02

**Law Implemented:** NDCC 15.1-35-01; 7 CFR 210.9; 42 USC 1769a

#### **67-21-10-07. Notice of availability.**

If selected to participate in the program, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

**History:** Effective January 1, 2020.

**General Authority:** NDCC 15.1-35-03, 28-32-02

**Law Implemented:** NDCC 15.1-35-01; 7 CFR 210.9; 42 USC 1769a

#### **67-21-10-08. Per-student grant.**

The per-student grant provided to a school is determined by the state agency and may not be less than fifty dollars, nor more than seventy-five dollars.

**History:** Effective January 1, 2020.

**General Authority:** NDCC 15.1-35-03, 28-32-02

**Law Implemented:** NDCC 15.1-35-01; 7 CFR 210.9; 42 USC 1769a

#### **67-21-10-09. Monitoring.**

The department of public instruction shall conduct onsite reviews of local agency program operations as specified by federal regulation for the purpose of providing guidance and technical assistance to local agency food service programs. All such reviews must include the assessment of claims by the state agency for any overpayment and appropriate corrective action.

**History:** Effective January 1, 2020.

**General Authority:** NDCC 15.1-35-05, 28-32-02

**Law Implemented:** NDCC 15.1-35-01; 7 CFR 210; 42 USC 1769a

#### **67-21-10-10. Reimbursement claims.**

Local agencies are required to submit claims for reimbursement using the basic claim for reimbursement form provided by the department of public instruction. Such claims are due on the tenth day of the month following the month of the claim.

**History:** Effective January 1, 2020.

**General Authority:** NDCC 15.1-35-05, 28-32-02

**Law Implemented:** NDCC 15.1-35-01; 42 USC 1769a

#### **67-21-10-11. Health and safety.**

The local agency food service program shall adhere to state and local health and food safety requirements, as adopted by the North Dakota state department of health, overviews of which are available from the department of public instruction.

**History:** Effective January 1, 2020.

**General Authority:** NDCC 15.1-35-03, 15.1-35-08, 28-32-02

**Law Implemented:** NDCC 15.1-35-01