



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234**

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Office for Prekindergarten through Grade 12 Education  
School Operations and Management  
Child Nutrition Program Administration  
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[www.nysed.gov/cn/cnms.htm](http://www.nysed.gov/cn/cnms.htm)

**To: School Food Service Directors/Managers**

**From: Paula Tyner-Doyle, Coordinator**

**Date: September 9, 2013**

**Subject: School Food Safety Inspections**

Requirement

Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265), amended section 9(h) of the Richard B. Russell National School Lunch Act regarding food safety inspections required in schools participating in the National School Lunch or School Breakfast Programs.

Currently, each school must obtain at least two food safety inspections each school year. The inspections must be conducted by a State or local governmental agency responsible for food safety inspections. More frequent inspections may be required by State or local governments. In addition, schools must post, in a publicly visible location, the report on the most recent food safety inspection, and provide a copy of the food safety inspection report to members of the public upon request.

Responsibility to Request Food Safety Inspections

While you cannot require your health department to conduct the inspections, you must request two health inspections per year. Send a certified letter to the health department at the beginning of the school year, asking for two inspections. Ensure that your letter of request includes all school names and locations where you operate Child Nutrition Programs. Retain a copy of the request letter for your records. A school's efforts to comply with this statutory requirement will be examined during an Administrative Review. If you participate in the Summer Food Service Program and your school is visited in the summer that visit counts as one of your inspections.

Reporting

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, was signed into law by the President on December 13, 2010. Section 402 of the Act amends section 9(h) of the Richard B. Russell National School Lunch Act regarding State food safety inspection and reporting requirements.

Specifically, the Act extends current State food safety reporting requirements through fiscal year 2015. Therefore, State agencies must continue to report to FNS, by November 15 of each year, the number of food safety inspections received by schools in their States during the prior school year. These requirements are listed in 7 Code of Federal Regulations Part 210.13(b). The Act did not change in any way the requirement that schools receive two food

safety inspections each year.

We will continue to collect this information beginning in June for the school year that ends June 30th, so that we are prepared to submit our annual data by the required deadline. LEAs are required to submit the [Health Inspection Report](#), through the Child Nutrition Management System (CNMS) by October 15. This report includes the number of Food Safety Inspections that were received during the school year. LEAs must still complete this form even if there were no Food Safety Inspections conducted at that site.

Please contact your Child Nutrition Representative at (518) 473-8781, if you have any questions on the food safety inspection provision.

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