MEMORANDUM

To: James Reardon, Commissioner of Finance & Management

From: Nathan Lavery, Fiscal Analyst

Date: May 9, 2008

Subject: Status of Grant

No Joint Fiscal Committee member has requested that the following item be held for review:

**JFO #2323** — $250,000 grant from the U.S. Department of Agriculture to the Department of Education. These grant funds will be used to provide fresh fruit and vegetable snacks to students at 25 schools.

*[JFO received 04/09/08]*

In accordance with 32 V.S.A. §5, the requisite 30 days having elapsed since this item was submitted to the Joint Fiscal Committee, the Governor's approval may now be considered final. We ask that you inform the Secretary of Administration and your staff of this action.

cc: Linda Morse
    Richard Cate
DATE: March 25, 2008

DEPARTMENT: Department of Education

GRANT/DONATION (brief description and purpose): Federal reimbursement to Local Education Agencies for the cost of providing fresh fruits and vegetables to students at snack time.

GRANTOR/DONOR: U.S. Department of Education

GRANT PERIOD: 7/01/08-09/30/09

AMOUNT/VALUE: $250,000

POSITIONS REQUESTED (LIMITED SERVICE): None

ANY ON-GOING, LONG-TERM COSTS TO THE STATE: None

COMMENTS:

DEPT. FINANCE AND MANAGEMENT: (INITIAL)
SECRETARY OF ADMINISTRATION: (INITIAL)
SENT TO JOINT FISCAL OFFICE: (DATE)

RECEIVED
APR 09 2008
JOINT FISCAL OFFICE
1. Agency: 

2. Department: Department of Education

3. Program: Child Nutrition Programs

4. Legal Title of Grant: The Fresh Fruit & Vegetable Program

5. Federal Catalog No.: 10.582

6. Grantor and Office Address:
   U.S. Department of Agriculture
   Food and Nutrition Service
   2102 Park Center Drive
   Alexandria, Virginia


8. Purpose of Grant: (attach additional sheets if needed)
   The grant provides reimbursement to 25 schools for fresh fruits and vegetables served to all students in settings outside the regular school breakfast and school lunch programs.

9. Impact on Existing Programs if Grant is not Accepted:
   School children in Vermont who would otherwise have the opportunity to get free fresh fruits and vegetables at snack time, at after school activities and the like will not have that opportunity.

10. Budget Information: (1st State FY) (2nd State FY) (3rd State FY)

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<thead>
<tr>
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<tbody>
<tr>
<td>EXPENDITURES:</td>
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<tr>
<td>Personal Services</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Operating Expenses</td>
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<td>$</td>
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<tr>
<td>Other</td>
<td>$</td>
<td>- $</td>
<td>250,000 $</td>
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<tr>
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<td>$ 490 $</td>
<td>$ 490 $</td>
<td>250,000 $</td>
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</table>

| REVENUES:        |           |           |           |
| State Funds:     |           |           |           |
| Cash             | $         | $         | $         |
| In-Kind          | $         | $         | $         |
| Federal Funds:   |           |           |           |
| (Direct Costs)   | $         | $         | $         |
| (Department Indirect) | $   | $       | $       |
| Other Funds:     |           |           |           |
| (source) Grant   | $         | $         | 250,000 $ |
| TOTAL            | $ 250,000 | $ 250,000 | $ 250,000 |

Federal funds will be allocated to these appropriation expenditure accounts:

-over-

DEPT MAR 10 2008
11. Will grant monies be spent by one or more personal service contracts?

- [ ] YES
- [X] NO

If YES, signature of appointing authority here indicates intent to follow current guidelines on bidding.

X

12a. Please list any requested Limited Service positions:

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<th>Titles</th>
<th>Number of Positions</th>
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</tbody>
</table>

TOTAL Positions: 0

12b. Equipment and space for these positions:

- [ ] Is presently available.
- [ ] Can be obtained with available funds.

13. Signature of Appointing Authority

[Signature]

3-17-08

(CFO/Dep Commissioner)

Title

14. Action by Governor:

- [X] Approved
- [ ] Rejected

[Signature]

4-3-08

(Date)

15. Secretary of Administration:

- [X] Request to JFO
- [ ] Information to JFO

[Signature]

3-31-08

(Date)

16. Action by Joint Fiscal Committee:

- [ ] Request to be placed on JFC agenda
- [ ] Approved (not placed on agenda in 30 days
- [ ] Approved by JFC
- [ ] Rejected by JFC
- [ ] Approved by Legislature

[Signature]

(Date)
MEMO CODE: SP 08-2008

Date: January 16, 2008

Subject: Fresh Fruit and Vegetable Program

To: State Agencies
Child Nutrition Programs
All States
Regional Directors

This is to make you aware of a provision in the Fiscal Year 2008 Omnibus Appropriation Act.

Effective for the school year beginning July 1, 2008, the Act provides $9.9 million to expand the Fresh Fruit and Vegetable Program (FFVP) to those States that were not previously authorized to participate on a permanent basis and not part of the FY 2006 Appropriation. These funds will allow for Program expansion to all States not currently authorized and to the District of Columbia.

States not currently participating in the program are advised to begin the selection process of 25 schools. When selecting schools, States must comply with Section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)). Section 18(g)(3) of the National School Lunch Act is attached and can also be found at: http://www.fns.usda.gov/cnd/Governance/Legislation/Historical/NSLA-Nov-10-2005.pdf

It is important to note that legislation currently being discussed by Congress could have some additional effect on the future scope of the FFVP, but it will not affect the $9.9 million from Appropriations.

For now, we wish to make sure that you are aware that funding is available for SY 2008-2009 and that it is advisable to begin the school selection process as soon as possible. We will schedule conference calls shortly to provide additional information and answer questions.

Sincerely,

ROBERT M. EADIE
Acting Director
Child Nutrition Division

Enclosure
Brodeur, Aaron

From: Flanagan, Kathy
Sent: Friday, March 28, 2008 9:55 AM
To: Brodeur, Aaron
Cc: Talbott, Bill
Subject: Fruit & Vegetable AA-1

Aaron,

Our program person has just confirmed that the Fruit & Vegetable allocation from the Feds is for one year only.

----------------------------------------
Kathy Flanagan
Assistant Division Director
Finance & Administration
Vermont Department of Education
(802) 828-0482
kathy.flanagan@state.vt.us
Here is the information I received from the Child Nutrition program manager, per your request.

The Federal rules established that 25 schools per state can participate. Only schools with at least 50% free and reduced students can apply (Vermont has approximately 50-60 schools that meet this criteria). We are using a selection process suggested by the federal government. Schools when they apply are asked to explain what their project will entail, and what kind of nutrition education will be included in their project. We expect to assign points to the criteria noted in the application, and select schools based on their "scores".

Please let me know if you require additional information.

Kathy

Kathy Flanagan
Assistant Division Director
Finance & Administration
Vermont Department of Education
(802) 828-0482
kathy.flanagan@state.vt.us
(i) any effect on participation by children and service institutions in the summer food service program in the eligible State in which the program is carried out; (ii) any effect of the program on the quality of the meals and supplements served in the eligible State in which the program is carried out; and (iii) any effect of the program on program integrity.

(6) REPORT.—Not later than April 30, 2007, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

(A) the evaluations completed by the Secretary under paragraph (5); and

(B) any recommendations of the Secretary concerning the programs.

(g) FRESH FRUIT AND VEGETABLE PROGRAM.—

(1) IN GENERAL.—For the school year beginning July 2004 and each subsequent school year, the Secretary shall carry out a program to make free fresh fruits and vegetables available, to the maximum extent practicable, to—

(A) 25 elementary or secondary schools in each of the 4 States authorized to participate in the program under this subsection on May 1, 2004;

(B) 25 elementary or secondary schools (as selected by the Secretary in accordance with paragraph (3)) in each of 4 States (including a State for which funds were allocated under the program described in paragraph (3)(B)(ii)) that are not participating in the program under this subsection on May 1, 2004; and

(C) 25 elementary or secondary schools operated on 3 Indian reservations (including the reservation authorized to participate in the program under this subsection on May 1, 2004), as selected by the Secretary.

(2) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day in 1 or more areas designated by the school.

(3) SELECTION OF SCHOOLS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in selecting additional schools to participate in the program under paragraph (1)(B), the Secretary shall—

(i) to the maximum extent practicable, ensure that the majority of schools selected are those in which not less than 50 percent of students are eligible for free or reduced price meals under this Act;

(ii) solicit applications from interested schools that include—

(I) information pertaining to the percentage of students enrolled in the school submitting the ap-
application who are eligible for free or reduced price school lunches under this Act;

(II) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school); and

(III) such other information as may be requested by the Secretary;

(iii) for each application received, determine whether the application is from a school in which not less than 50 percent of students are eligible for free or reduced price meals under this Act; and

(iv) give priority to schools that submit a plan for implementation of the program that includes a partnership with 1 or more entities that provide non-Federal resources (including entities representing the fruit and vegetable industry) for—

(I) the acquisition, handling, promotion, or distribution of fresh and dried fruits and fresh vegetables; or

(II) other support that contributes to the purposes of the program.

(B) NONAPPLICABILITY TO EXISTING PARTICIPANTS.—Subparagraph (A) shall not apply to a school, State, or Indian reservation authorized—

(i) to participate in the program on May 1, 2004;

(ii) to receive funding for free fruits and vegetables under funds provided for public health improvement under the heading "DISEASE CONTROL, RESEARCH, AND TRAINING" under the heading "CENTERS FOR DISEASE CONTROL AND PREVENTION" in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004 (Division E of Public Law 108-199; 118 Stat. 238).

(4) NOTICE OF AVAILABILITY.—To be eligible to participate in the program under this subsection, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

(5) REPORTS.—

(A) INTERIM REPORTS.—Not later than September 30 of each of fiscal years 2005 through 2008, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report that describes the activities carried out under this subsection during the fiscal year covered by the report.

(B) FINAL REPORT.—Not later than December 31, 2008, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and
Forestry of the Senate a final report that describes the results of the program under this subsection. (6) FUNDING.—

(A) EXISTING FUNDS. — The Secretary shall use to carry out this subsection any funds that remain under this subsection on the day before the date of enactment of this subsection.

(B) MANDATORY FUNDS. —

(i) IN GENERAL. — On October 1, 2004, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $9,000,000, to remain available until expended.

(ii) RECEIPT AND ACCEPTANCE. — The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds made available under this subparagraph, without further appropriation.

(C) AUTHORIZATION OF APPROPRIATIONS. — In addition to any amounts made available under subparagraphs (A) and (B), there are authorized to be appropriated such sums as are necessary to expand the program carried out under this subsection.

(D) REALLOCATION. — The Secretary may reallocate any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.

(h) SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.—

(1) IN GENERAL. — During the month after the date of enactment of this subsection through September, 2004, and the months of May through September, 2005, the Secretary shall modify eligibility criteria, at not more than 1 private nonprofit residential camp in each of not more than 2 States, as determined by the Secretary, for the purpose of identifying and evaluating alternative methods of determining the eligibility of residential private nonprofit camps to participate in the summer food service program for children established under section 13.

(2) ELIGIBILITY. — To be eligible for the criteria modified under paragraph (1), a residential camp —

(A) shall be a service institution (as defined in section

(B) may not charge a fee to any child in residence at the camp; and

(C) shall serve children who reside in an area in which poor economic conditions exist (as defined in section

(3) PAYMENTS.—

(A) IN GENERAL. — Under this subsection, the Secretary shall provide reimbursement for meals served to all children at a residential camp at the payment rates specified in section 13(b)(l).

(B) REIMBURSABLE MEALS. — A residential camp selected by the Secretary may receive reimbursement for not
Background


P.L. 109-97, The Appropriations Act of FY 2006, appropriated $6 million to expand the program to 6 additional states: Connecticut, Idaho, New Mexico, Texas, Utah and Wisconsin. No additional funds were appropriated for these states in FY 2007.

The Consolidated Appropriations Act of 2008, P.L. 110-161
P.L. 110-161, The Consolidated Appropriations Act of 2008, appropriated $9.9 million to expand the FFVP nationwide (37 remaining states). The Act also allowed FNS to reallocate $3.4 million of recovered FFVP funds to the six states under P.L. 109-97

School Selection Process
States currently not participating in the FFVP, (including Arizona and South Dakota) must select 25 schools (no more, no less). It is important that each State begin the school selection process as soon as possible given the process can be lengthy. The six states authorized under P.L. 110-161 have FFVP funds currently available and should start the program as soon as possible. Once schools are selected, states may choose to select all, some or no new schools in latter years. If the State agency elects not to select new schools, the enrollment figures still must be reviewed/adjusted each year.

Schools are to be selected according to the criteria in section 18(g) of the Richard B Russell National School Lunch Program. For your convenience, below is a summary of the criteria.

- To the maximum extent practicable, the majority of schools selected are those in which 50% or more of students are eligible for free or reduced price meals;
- Priority is given to schools that submit a plan for implementation of the program that includes
  o A partnership with one or more entities that provide non-Federal resources (including entities representing the fruit and vegetable industry) for the acquisition, handling, promotion, or distribution of fresh fruits and vegetables; or
  o Other support that contributes to the purposes of the program, such as nutrition education.
- Schools that are applying must provide a certification of support signed by the
  o school food manager,
  o the school principal and,
the district superintendent or equivalent position as determined by the school.

**Funding Process and Life of the Funds**

Fiscal Year 2008 Funds:

**11 Permanent States $9 million:**
- States operating under P.L. 108-265, received a prorated share, based on the enrollment of all participating schools, of $9 million on October 1, 2007, and will continue to receive FFVP funds in the same manner as authorized under this law.
- The period of performance is the federal fiscal year, October 1 through September 30.

**6 States, $3.4 million:**
- 6 states- FNS allocated approximately $3.4 million. States were notified of their prorated share of the allocation through emails in January from headquarters Financial Management Division.
- HQ’s Grants Management Division has sent out an addendum to the current FFVP grant agreement. Please return the signed agreement to Leslie Byrd as soon as possible.

**37 States, approximately $9.9 million:**
- Funds will be distributed equally among 37 states. Each state will receive a one-time allocation of approximately $250,000.
- South Dakota and Arizona which participate as ITOs, will also participate with 25 additional schools.
- Funding for program operations will be disbursed through the Letter of Credit and schools may start expending funds July 1, 2008.
- July 1, 2008: States will receive a portion of their total allocated funds to start program operation for the first quarter of the school year. These funds will be closed out as of September 30, 2008.
- October 1, 2008: States will receive the remaining portion of their grant. These funds are available for the federal fiscal year, which ends September 30, 2009.

**Guidance Material and Other Program Assistance**
- The guidance manual and FNS prototype forms, program background and legislation for the FFVP are available on-line at http://www.fns.usda.gov/cnd/ffvp/ffvpdefault.htm. States may develop their own forms or may use forms from currently participating states. At a minimum, any newly developed Claim Form or State/Local agreement must incorporate data elements from the Prototype forms. The forms currently on-line are:
  - Claim for Reimbursement (or FFVP Performance Report)
  - Sample Food Service Director Letter
  - Sample School Profile Sheet
  - Sample State/Local agreement
**National Partners:** Center for Disease Control and Prevention has served as a partner to the FFVP since the program started as a pilot, and their State level Fruit and Vegetable Nutrition Coordinators (or 5-A-Day) have worked closely with FFVP schools. Other national partners include National Cancer Institute, the American School Food Service Association, Produce for Better Health Foundation and United Fresh Fruit and Vegetable Association.

States and schools have also developed State level partnerships with their state Cancer Institute, American Heart Associations, and local businesses and grocery stores. Often times local and state organizations can provide free resources and are available for general program support. Attached by State, is a list of Fruit and Vegetable Nutrition Coordinators.

**Program Oversight**
The FFVP operates under the NSLP and as such all reporting, recordkeeping and monitoring requirements, as pertinent, apply. Please note that while the NSLP can provide different types of processed fruits and vegetables, such as frozen and canned, the FFVP requirements only allow fresh fruits, dried fruits and fresh vegetables.

State agencies have direct oversight of the FFVP. Responsibilities include:
- Selecting 25 schools using criteria established in law. States may also include additional criteria they would like their schools to meet.
- Allocating FFVP funds to their 25 schools based on the enrollment of the 25 selected schools.
- Reviewing schools’ claims for appropriate expenditures;
- Ensuring appropriate addenda are added to the State/local agreements for operation of the FFVP.

**Monitoring**
When selecting schools for CREs or any oversight or monitoring activities, as possible, please ensure that at least one of the selected schools operates the FFVP. If reviewers are conducting any type of oversight activity in the same district as a FFVP school, please make every effort to review the FFVP school to assure this new program is operating properly.

**Program Operations – Reporting**
**State Agencies:**
- Financial reporting for the Fresh Fruit and Vegetable Program (FFVP) will be conducted via the Food Programs Reporting System (FPRS)
- SF-269As for the FFVP have been set up in FPRS for all states.
- In order to report FFVP SF-269(A)s in FPRS, individuals must request access by submitting the FNS-674 and addendum.
- States must also complete the FNS-4 for the CN-FFVP.
- South Dakota, Arizona, and New Mexico: have to submit 2 SF-269(A)s for FFVP –
one 269A for ITO schools. The new form in FPRS for ITO schools will be called CN-FFVP-ITO and be available soon.

one 269A for geographic State schools

- New states reporting FY 2008 expenditures will submit blank SF-269(A)s for 1st, 2nd, and 3rd quarters (please do not include zeros). (This includes SD and AZ with FFVP in geographic State schools.)
- Financial data will be submitted beginning 4th quarter for the 37 new states.

Recordkeeping
Please follow the same recordkeeping requirements for the FFVP as with other Child Nutrition Programs.

Please note that the CFDA number for the Fresh Fruit and Vegetable Program is 10.582.

Procurement and Buy American “Provision”
The FFVP is subject to the same procurement requirements that apply to any purchase from the nonprofit school food service account including the Buy American regulation and the prohibition against geographic preferences. State agencies should ensure that selected schools are aware of the procurement regulations.

Attachments/Resources:
Richard B. Russell National School Lunch Act, section 18(g)
Pertinent portion of The Consolidated Appropriations Act of 2008
Claim for Reimbursement (or FFVP Performance Report)
Sample Food Service Director Letter
Sample School Profile Sheet
Sample State/Local agreement

Financial Reporting Forms: FNS-269A, FNS-674, FNS-4
Financial Reporting: 269A Reporting Chart (from HQ FM)

FFVP Guidance manual
ME Guidance Section on FFVP

FFVP State agency contacts:
Center for Disease Control & Prevention, Division of Nutrition & Physical Activity, More Matters, State FV Coordinators
From: Michael Obuchowski
To: Kathy Flanagan
Date: 4/15/2008 6:05 PM
Subject: RE: Hello Mr. Talbot,

CC: Nathan Lavery
Thank you. Specifically which Vermont schools meet the eligibility criteria?

>>> "Flanagan, Kathy" <Kathy.Flanagan@state.vt.us> 4/15/2008 1:50 PM >>>
Mr. Lavery,

We asked our child nutrition programs manager to respond to your questions. Her responses are embedded below.

Please let me know if you have additional questions.
Kathy

-----------------------------
Kathy Flanagan
Assistant Division Director
Finance & Administration
Vermont Department of Education
(802) 828-0482
kathy.flanagan@state.vt.us

-----Original Message-----
From: Nathan Lavery [mailto:nlavery@leg.state.vt.us]
Sent: Monday, April 14, 2008 11:02 AM
To: Talbott, Bill
Cc: Michael Obuchowski; Flanagan, Kathy
Subject: Hello Mr. Talbot,

Hello Mr. Talbot,

I am writing with a few short questions from Rep. Obuchowski regarding the $250,000 grant received from the US Dept. of Agriculture for fresh fruits and vegetable snacks in schools. I believe Becky mentioned to you that I will be assuming responsibility for JFO's grant process, and she suggested you were the best person to contact with these questions.

1. What Vermont schools are eligible? Are there any eligibility limitations?

According to the federal legislation, only elementary schools that have 50% or more of the enrolled students eligible for free or reduced price school meals are eligible to apply. 25 schools per state may participate.

2. How will the schools be notified of their eligibility?

We will send an information packet to every eligible school that includes information about the program and an application. We will send a copy to the food service manager as well as the principal.

3. What criteria will be used to select the recipient schools?

Based on the language of the legislation we will look for the percent of students eligible for free and reduced meal.
- a plan for implementation of the program that includes a partnership with one or more entities that provide non-federal resources (including entities representing the fruit and vegetable industry) for acquisition, handling, promotion or distribution of fresh and dried fruits and fresh vegetables; or other support that contributes to the purposes of the program - certification of support for the program signed by the food service manager, principal, and superintendent.

4. Will geographic distribution be among the criteria used in the selection process?

We would like to have a variety of schools: large and small, as well as urban and rural. Geographic distribution would also be taken into account.

5. Do you intend to use Vermont grown fruits and vegetables? What percentage of the produce do you intend to purchase from Vermont growers?

Schools will make the purchases. We want to encourage the use of Vermont grown fruits and vegetables and will include a question about this in the application.

I hope these questions are clear and I appreciate your assistance. If you need further clarification, please contact me via phone (828-1488) or email. Please copy me on your email response to Rep. Obuchowski (obie@leg.state.vt.us). Thank you.

Nathan Lavery
Fiscal Analyst
Legislative Joint Fiscal Office
One Baldwin Street
Montpelier VT 05633-5301
(802) 828-1488
nlavery@leg.state.vt.us
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<td>86</td>
<td>28</td>
<td>225</td>
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<td>Connecticut River Academy</td>
<td>551 Rt. 5 Bradford 05033</td>
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<td>107</td>
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<td>107</td>
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<td>Oak Grove School</td>
<td>15 Moreland Avenue Brattleboro 05301</td>
<td>U,K,1,2,3,4,5,6</td>
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<td>146</td>
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<tr>
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<tr>
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<tr>
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<td>1110 Pine Street Burlington 05401</td>
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<td>92.99%</td>
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<tr>
<td>HO Wheeler</td>
<td>6 Archibald Street Burlington 05401</td>
<td>H,P,K,1,2,3,4,5</td>
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<td>13</td>
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<td>ONTOP School</td>
<td>South Williams Street Burlington 05401</td>
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<td>1 Mill Street 9-12 Burlington 05401</td>
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<tr>
<td>Totals:</td>
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</table>

Vermont Department of Education
Food and Nutrition Management

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4/16/2008
### Eligibility 50% Report for Fiscal Year: 2008

<table>
<thead>
<tr>
<th>Building Name</th>
<th>Address</th>
<th>Grades</th>
<th>Free Lunch</th>
<th>Redc Lunch</th>
<th>Enroll</th>
<th>% Low Income</th>
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<td>45</td>
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<td>Community House Residence</td>
<td>10 Oak Street Brattleboro 05301</td>
<td></td>
<td>8</td>
<td>0</td>
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<td>100.00%</td>
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<td>Community Schoolhouse</td>
<td>10 Oak Street Brattleboro 05301</td>
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<td>15</td>
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<td>234 North Main Street Danby 05739</td>
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<td>53.78%</td>
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<td>East Haven School</td>
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<tr>
<td>Camp E-Wen-Akee</td>
<td>876 Root Pond Road Benson 05743</td>
<td>U</td>
<td>31</td>
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<tr>
<td>Totals: Eckerd Youth Alternatives, Inc.</td>
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<td>Washington Street Transition Program</td>
<td>Mechanic Street Fair Haven 05743</td>
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<tr>
<td>Totals: Fair Haven UHS District #16</td>
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<td>Hardwick Elementary School</td>
<td>PO Box 515 135 South Main Street Hardwick 05843</td>
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<td>269</td>
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<tr>
<td>Totals: Hardwick Town School District</td>
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<td></td>
<td>129</td>
<td>40</td>
<td>269</td>
<td>62.83%</td>
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<tr>
<td>Hazen Union High SD#26</td>
<td>23 Hazen dr HARDwick 05843</td>
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<td>51</td>
<td>356</td>
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<td>55.06%</td>
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<td>Holland Elementary School</td>
<td>26 School Road Derby Line 05830</td>
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<td>Irasburg Village School</td>
<td>292 Rt. 58 East Irasburg 05845</td>
<td>K,1,2,3,4,5,6,7,8</td>
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<td>29</td>
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<td>Totals: Irasburg Town School District</td>
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<td></td>
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<td>29</td>
<td>152</td>
<td>59.87%</td>
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<td>Isle La Motte Elementary School</td>
<td>534 School St. 534 School St. Isle LaMotte 05463</td>
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<td>36</td>
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Vermont Department of Education  
Food and Nutrition Management  
Eligibility 50% Report for Fiscal Year: 2008
<table>
<thead>
<tr>
<th>Building Name</th>
<th>Address</th>
<th>Grades</th>
<th>Free Lunch</th>
<th>Reduced Lunch</th>
<th>Enroll</th>
<th>% Low Income</th>
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<tbody>
<tr>
<td>Isle La Motte Town School District</td>
<td>57 College Hill Johnson 05656</td>
<td>K,1,2,3,4,5,6</td>
<td>102</td>
<td>31</td>
<td>221</td>
<td>60.16%</td>
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<tr>
<td>Johnson Elementary School</td>
<td>Johnson Town School District</td>
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<tr>
<td>Lake Region UHS</td>
<td>317 Lake Region Road Orleans 05860</td>
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<td>75</td>
<td>390</td>
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<tr>
<td>Lakeview Union USD #43</td>
<td>189 Lauredon Ave Greensboro 05841</td>
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<td>Learning Together Program</td>
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<td>P,K,1,2,3,4,5,6,7,8</td>
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<td>0</td>
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<tr>
<td>Gilman Middle School</td>
<td>2720 River Rd. Gilman 05904</td>
<td>5,6,7,8</td>
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<td>Lyndon Town School</td>
<td>2591 Lily Pond Road Lyndonville 05851</td>
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<td>Elizabeth Taylor Hatton Elementary School</td>
<td>158 Meade Hill Road Morgan 05853</td>
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<tr>
<td>New England Kurn Hattin Homes</td>
<td>708 Kurn Hattin Road Westminster 05158</td>
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<td>71</td>
<td>0</td>
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<td>Newport City Elementary School</td>
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</tbody>
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Vermont Department of Education
Food and Nutrition Management
Eligibility 50% Report for Fiscal Year: 2008
<table>
<thead>
<tr>
<th>Building Name</th>
<th>Address</th>
<th>Grades</th>
<th>Free Lunch</th>
<th>Redc Lunch</th>
<th>Enroll</th>
<th>% Low Income</th>
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<tbody>
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<td>7</td>
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<td>The St. Johnsbury School</td>
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<td>330</td>
<td>103</td>
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**Vermont Department of Education**  
**Food and Nutrition Management**  
**Eligibility 50% Report for Fiscal Year: 2008**
<table>
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<th>School Name</th>
<th>Address</th>
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<th>Male Students</th>
<th>Female Students</th>
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<th>% Female</th>
<th>Total Students</th>
<th>% Male Students</th>
<th>% Female Students</th>
<th>% Total Students</th>
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<td>7</td>
<td>34</td>
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<td>76.16%</td>
<td>172</td>
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<td>13</td>
<td>100.00%</td>
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<td>40</td>
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<td>40</td>
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<td>100.00%</td>
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<td>8</td>
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</table>
MEMORANDUM

To: Joint Fiscal Committee Members

From: Nathan Lavery, Fiscal Analyst

Date: April 10, 2008

Subject: Grant Request

Enclosed please find one (1) request which the Joint Fiscal Office recently received from the Administration:

JFO #2323 — $250,000 grant from the U.S. Department of Agriculture to the Department of Education. These grant funds will be used to provide fresh fruit and vegetable snacks to students at 25 schools.

[JFO received 04/09/08]

The Joint Fiscal Office has reviewed this submission and determined that all appropriate forms bearing the necessary approvals are in order.

In accordance with the procedures for processing such requests, we ask you to review the enclosed and notify the Joint Fiscal Office (Nathan Lavery at 802/828-1488; nlavery@leg.state.vt.us or Stephen Klein at 802/828-5769; sklein@leg.state.vt.us) if you have questions or would like this item held for legislative review. Unless we hear from you to the contrary by April 24 we will assume that you agree to consider as final the Governor’s acceptance of this request.

cc: James Reardon, Commissioner
Linda Morse, Administrative Assistant
Richard Cate, Commissioner
STATE OF VERMONT
GRANT ACCEPTANCE FORM

DATE: March 25, 2008

DEPARTMENT: Department of Education

GRANT/DONATION (brief description and purpose): Federal reimbursement to Local Education Agencies for the cost of providing fresh fruits and vegetables to students at snack time.

GRANTOR/DONOR: U.S. Department of Education

GRANT PERIOD: 7/01/08-09/30/09

AMOUNT/VALUE: $250,000

POSITIONS REQUESTED (LIMITED SERVICE): None

ANY ON-GOING, LONG-TERM COSTS TO THE STATE: None

COMMENTS:

DEPT. FINANCE AND MANAGEMENT: (INITIAL)

SECRETARY OF ADMINISTRATION: (INITIAL)

SENT TO JOINT FISCAL OFFICE: (DATE)

RECEIVED
APR 09 2008
JOINT FISCAL OFFICE
1. Agency: Department of Education
2. Department: Department of Education
3. Program: Child Nutrition Programs
4. Legal Title of Grant: The Fresh Fruit & Vegetable Program
5. Federal Catalog No.: 10.582
6. Grantor and Office Address:
   U.S. Department of Agriculture
   Food and Nutrition Service
   2102 Park Center Drive
   Alexandria, Virginia
8. Purpose of Grant: The grant provides reimbursement to 25 schools for fresh fruits and vegetables served to all students in settings outside the regular school breakfast and school lunch programs.
9. Impact on Existing Programs if Grant is not Accepted: School children in Vermont who would otherwise have the opportunity to get free fresh fruits and vegetables at snack time, at after school activities and the like will not have that opportunity.
10. Budget Information: (1st State FY) (2nd State FY) (3rd State FY)
   FY 2008 FY 2009 FY 2010
   EXPENDITURES:
   Personal Services $ $ $
   Operating Expenses $ $ $ 
   Other $ - $ 250,000 $ 
   TOTAL $ - $ 250,000 $ - 
   REVENUES:
   State Funds:
   Cash $ $ $
   In-Kind $ $ $
   Federal Funds:
   (Direct Costs) $ $ $
   (Department Indirect) $ $ - $
   Other Funds:
   (source) Grant $ $ 250,000 $
   TOTAL $ 0 $ 250,000 $ 0

Federal funds will be allocated to these appropriation expenditure accounts:

<table>
<thead>
<tr>
<th>Fund</th>
<th>DeptID</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
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<td>$</td>
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</tbody>
</table>

-over-
11. Will grant monies be spent by one or more personal service contracts?

[ ] YES  [X] NO

If YES, signature of appointing authority here indicates intent to follow current guidelines on bidding.

[X]

12a. Please list any requested Limited Service positions:

<table>
<thead>
<tr>
<th>Titles</th>
<th>Number of Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL Positions 0

12b. Equipment and space for these positions:

[ ] Is presently available.

[ ] Can be obtained with available funds.

13. Signature of Appointing Authority

I certify that no funds have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant.

[Signature]  3-17-08

[TITLE]

14. Action by Governor:

[ ] Approved  [ ] Rejected

[Signature]  4/3/08

15. Secretary of Administration:

[ ] Request to JFO

[ ] Information to JFO

[Signature]  3/31/08

16. Action by Joint Fiscal Committee:

[ ] Request to be placed on JFC agenda

[ ] Approved (not placed on agenda in 30 days

[ ] Approved by JFC

[ ] Rejected by JFC

[ ] Approved by Legislature

[Signature]  (Date)
MEMO CODE: SP 08-2008

Date: January 16, 2008

Subject: Fresh Fruit and Vegetable Program

To:
- State Agencies
- Child Nutrition Programs
- All States
- Regional Directors

This is to make you aware of a provision in the Fiscal Year 2008 Omnibus Appropriation Act.

Effective for the school year beginning July 1, 2008, the Act provides $9.9 million to expand the Fresh Fruit and Vegetable Program (FFVP) to those States that were not previously authorized to participate on a permanent basis and not part of the FY 2006 Appropriation. These funds will allow for Program expansion to all States not currently authorized and to the District of Columbia.

States not currently participating in the program are advised to begin the selection process of 25 schools. When selecting schools, States must comply with Section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)). Section 18(g)(3) of the National School Lunch Act is attached and can also be found at:

It is important to note that legislation currently being discussed by Congress could have some additional effect on the future scope of the FFVP, but it will not affect the $9.9 million from Appropriations.

For now, we wish to make sure that you are aware that funding is available for SY 2008-2009 and that it is advisable to begin the school selection process as soon as possible. We will schedule conference calls shortly to provide additional information and answer questions.

Sincerely,

ROBERT M. EADIE
Acting Director
Child Nutrition Division

Enclosure
Aaron,  

Our program person has just confirmed that the Fruit & Vegetable allocation from the Feds is for one year only.

Kathy Flanagan  
Assistant Division Director  
Finance & Administration  
Vermont Department of Education  
(802) 828-0482  
kathy.flanagan@state.vt.us
Becky,

Here is the information I received from the Child Nutrition program manager, per your request.

The Federal rules established that 25 schools per state can participate. Only schools with at least 50% free and reduced students can apply (Vermont has approximately 50-60 schools that meet this criteria). We are using a selection process suggested by the federal government. Schools when they apply are asked to explain what their project will entail, and what kind of nutrition education will be included in their project. We expect to assign points to the criteria noted in the application, and select schools based on their "scores".

Please let me know if you require additional information.

Kathy

-----------------------------------
Kathy Flanagan
Assistant Division Director
Finance & Administration
Vermont Department of Education
(802) 828-0482
kathy.flanagan@state.vt.us
(i) any effect on participation by children and service institutions in the summer food service program in the eligible State in which the program is carried out; (ii) any effect of the program on the quality of the meals and supplements served in the eligible State in which the program is carried out; and (iii) any effect of the program on program integrity.

(6) REPORT.—Not later than April 30, 2007, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

(A) the evaluations completed by the Secretary under paragraph (5); and

(B) any recommendations of the Secretary concerning the programs.

(g) FRESH FRUIT AND VEGETABLE PROGRAM.—

(1) IN GENERAL.—For the school year beginning July 2004 and each subsequent school year, the Secretary shall carry out a program to make free fresh fruits and vegetables available, to the maximum extent practicable, to—

(A) 25 elementary or secondary schools in each of the 4 States authorized to participate in the program under this subsection on May 1, 2004;

(B) 25 elementary or secondary schools (as selected by the Secretary in accordance with paragraph (3)) in each of 4 States (including a State for which funds were allocated under the program described in paragraph (3)(B)(ii)) that are not participating in the program under this subsection on May 1, 2004; and

(C) 25 elementary or secondary schools operated on 3 Indian reservations (including the reservation authorized to participate in the program under this subsection on May 1, 2004), as selected by the Secretary.

(2) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day in 1 or more areas designated by the school.

(3) SELECTION OF SCHOOLS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in selecting additional schools to participate in the program under paragraph (1)(B), the Secretary shall—

(i) to the maximum extent practicable, ensure that the majority of schools selected are those in which not less than 50 percent of students are eligible for free or reduced price meals under this Act;

(ii) solicit applications from interested schools that include—

(I) information pertaining to the percentage of students enrolled in the school submitting the application.
application who are eligible for free or reduced price school lunches under this Act; 

(II) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school); and

(III) such other information as may be requested by the Secretary;

(iii) for each application received, determine whether the application is from a school in which not less than 50 percent of students are eligible for free or reduced price meals under this Act; and

(iv) give priority to schools that submit a plan for implementation of the program that includes a partnership with 1 or more entities that provide non-Federal resources (including entities representing the fruit and vegetable industry) for—

(I) the acquisition, handling, promotion, or distribution of fresh and dried fruits and fresh vegetables; or

(II) other support that contributes to the purposes of the program.

(B) NONAPPLICABILITY TO EXISTING PARTICIPANTS.—Subparagraph (A) shall not apply to a school, State, or Indian reservation authorized—

(i) to participate in the program on May 1, 2004; or

(ii) to receive funding for free fruits and vegetables under funds provided for public health improvement under the heading "DISEASE CONTROL, RESEARCH, AND TRAINING" under the heading "CENTERS FOR DISEASE CONTROL AND PREVENTION" in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004 (Division E of Public Law 108-199; 118 Stat. 238).

(4) NOTICE OF AVAILABILITY.—To be eligible to participate in the program under this subsection, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

(5) REPORTS.—

(A) INTERIM REPORTS.—Not later than September 30 of each of fiscal years 2005 through 2008, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report that describes the activities carried out under this subsection during the fiscal year covered by the report.

(B) FINAL REPORT.—Not later than December 31, 2008, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and
Forestry of the Senate a final report that describes the results of the program under this subsection. (6) FUNDING.—
(A) EXISTING FUNDS. — The Secretary shall use to carry out this subsection any funds that remain under this subsection on the day before the date of enactment of this subparagraph.

(B) MANDATORY FUNDS. —
(i) IN GENERAL. — On October 1, 2004, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $9,000,000, to remain available until expended.
(ii) RECEIPT AND ACCEPTANCE. — The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds made available under this subparagraph, without further appropriation.

(C) AUTHORIZATION OF APPROPRIATIONS. — In addition to any amounts made available under subparagraphs (A) and (B), there are authorized to be appropriated such sums as are necessary to expand the program carried out under this subsection.

(D) REALLOCATION. — The Secretary may reallocate any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.

(h) SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.—
(1) IN GENERAL. — During the month after the date of enactment of this subsection through September, 2004, and the months of May through September, 2005, the Secretary shall modify eligibility criteria, at not more than 1 private nonprofit residential camp in each of not more than 2 States, as determined by the Secretary, for the purpose of identifying and evaluating alternative methods of determining the eligibility of residential private nonprofit camps to participate in the summer food service program for children established under section 13.

(2) ELIGIBILITY. — To be eligible for the criteria modified under paragraph (1), a residential camp —
(A) shall be a service institution (as defined in section
(B) may not charge a fee to any child in residence at the camp; and
(C) shall serve children who reside in an area in which poor economic conditions exist (as defined in section

(3) PAYMENTS. —
(A) IN GENERAL. — Under this subsection, the Secretary shall provide reimbursement for meals served to all children at a residential camp at the payment rates specified in section 13(b)(1).

(B) REIMBURSABLE MEALS. — A residential camp selected by the Secretary may receive reimbursement for not...
Background
Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265),
FFVP as a permanent program in 11 states with annual funding of $9 million. The
permanent program operates in the following 8 states and 3 Indian Tribal Organizations:
Indiana, Iowa, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, Washington,
Arizona Inter-Tribal Council ITO, New Mexico-Zuni-ITO, and South Dakota-Oglala
Sioux Tribe ITO.

P.L. 109-97, The Appropriations Act of FY 2006, appropriated $6 million to expand the
program to 6 additional states: Connecticut, Idaho, New Mexico, Texas, Utah and
Wisconsin. No additional funds were appropriated for these states in FY 2007.

The Consolidated Appropriations Act of 2008, P.L. 110-161
expand the FFVP nationwide (37 remaining states). The Act also allowed FNS to
reallocate $3.4 million of recovered FFVP funds to the six states under P.L. 109-97

School Selection Process
States currently not participating in the FFVP, (including Arizona and South Dakota)
must select 25 schools (no more, no less). It is important that each State begin the
school selection process as soon as possible given the process can be lengthy. The six
states authorized under P.L. 110-161 have FFVP funds currently available and should
start the program as soon as possible. Once schools are selected, states may choose to
select all, some or no new schools in latter years. If the State agency elects not to select
new schools, the enrollment figures still must be reviewed/adjusted each year.

Schools are to be selected according to the criteria in section 18(g) of the Richard B
Russell National School Lunch Program. For your convenience, below is a summary of
the criteria.

- To the maximum extent practicable, the majority of schools selected are those in
which 50% or more of students are eligible for free or reduced price meals;
- Priority is given to schools that submit a plan for implementation of the program
that includes
  o A partnership with one or more entities that provide non-Federal resources
    (including entities representing the fruit and vegetable industry) for the
    acquisition, handling, promotion, or distribution of fresh fruits and
    vegetables; or
  o Other support that contributes to the purposes of the program, such as
    nutrition education.
- Schools that are applying must provide a certification of support signed by the
  o school food manager,
  o the school principal and,
the district superintendent or equivalent position as determined by the school.

Funding Process and Life of the Funds
Fiscal Year 2008 Funds:

11 Permanent States $9 million:
- States operating under P.L. 108-265, received a prorated share, based on the enrollment of all participating schools, of $9 million on October 1, 2007, and will continue to receive FFVP funds in the same manner as authorized under this law.
- The period of performance is the federal fiscal year, October 1 through September 30.

6 States, $3.4 million:
- 6 states- FNS allocated approximately $3.4 million. States were notified of their prorated share of the allocation through emails in January from headquarters Financial Management Division.
- HQ’s Grants Management Division has sent out an addendum to the current FFVP grant agreement. Please return the signed agreement to Leslie Byrd as soon as possible.

37 States, approximately $9.9 million:
- Funds will be distributed equally among 37 states. Each state will receive a one-time allocation of approximately $250,000.
- South Dakota and Arizona which participate as ITOs, will also participate with 25 additional schools.
- Funding for program operations will be disbursed through the Letter of Credit and schools may start expending funds July 1, 2008.
- July 1, 2008: States will receive a portion of their total allocated funds to start program operation for the first quarter of the school year. These funds will be closed out as of September 30, 2008.
- October 1, 2008: States will receive the remaining portion of their grant. These funds are available for the federal fiscal year, which ends September 30, 2009.

Guidance Material and Other Program Assistance
- The guidance manual and FNS prototype forms, program background and legislation for the FFVP are available on-line at http://www.fns.usda.gov/cnd/ffvp/ffvpdefault.htm. States may develop their own forms or may use forms from currently participating states. At a minimum, any newly developed Claim Form or State/Local agreement must incorporate data elements from the Prototype forms. The forms currently on-line are:
  - Claim for Reimbursement (or FFVP Performance Report)
  - Sample Food Service Director Letter
  - Sample School Profile Sheet
  - Sample State/Local agreement
National Partners: Center for Disease Control and Prevention has served as a partner to the FFVP since the program started as a pilot, and their State level Fruit and Vegetable Nutrition Coordinators (or 5-A-Day) have worked closely with FFVP schools. Other national partners include National Cancer Institute, the American School Food Service Association, Produce for Better Health Foundation and United Fresh Fruit and Vegetable Association.

States and schools have also developed State level partnerships with their state Cancer Institute, American Heart Associations, and local businesses and grocery stores. Often times local and state organizations can provide free resources and are available for general program support. Attached by State, is a list of Fruit and Vegetable Nutrition Coordinators.

Program Oversight
The FFVP operates under the NSLP and as such all reporting, recordkeeping and monitoring requirements, as pertinent, apply. Please note that while the NSLP can provide different types of processed fruits and vegetables, such as frozen and canned, the FFVP requirements only allow fresh fruits, dried fruits and fresh vegetables.

State agencies have direct oversight of the FFVP. Responsibilities include:
- Selecting 25 schools using criteria established in law. States may also include additional criteria they would like their schools to meet.
- Allocating FFVP funds to their 25 schools based on the enrollment of the 25 selected schools.
- Reviewing schools’ claims for appropriate expenditures;
- Ensuring appropriate addenda are added to the State/local agreements for operation of the FFVP.

Monitoring
When selecting schools for CREs or any oversight or monitoring activities, as possible, please ensure that at least one of the selected schools operates the FFVP. If reviewers are conducting any type of oversight activity in the same district as a FFVP school, please make every effort to review the FFVP school to assure this new program is operating properly.

Program Operations — Reporting
State Agencies:
- Financial reporting for the Fresh Fruit and Vegetable Program (FFVP) will be conducted via the Food Programs Reporting System (FPRS)
- SF-269As for the FFVP have been set up in FPRS for all states.
- In order to report FFVP SF-269(A)s in FPRS, individuals must request access by submitting the FNS-674 and addendum.
- States must also complete the FNS-4 for the CN-FFVP.
- South Dakota, Arizona, and New Mexico: have to submit 2 SF-269(A)s for FFVP —
one 269A for ITO schools. The new form in FPRS for ITO schools will be called CN-FFVP-ITO and be available soon.

one 269A for geographic State schools

- New states reporting FY 2008 expenditures will submit blank SF-269(A)s for 1st, 2nd, and 3rd quarters (please do not include zeros). (This includes SD and AZ with FFVP in geographic State schools.)
- Financial data will be submitted beginning 4th quarter for the 37 new states.

**Recordkeeping**

Please follow the same recordkeeping requirements for the FFVP as with other Child Nutrition Programs.

Please note that the CFDA number for the Fresh Fruit and Vegetable Program is 10.582.

**Procurement and Buy American “Provision”**

The FFVP is subject to the same procurement requirements that apply to any purchase from the nonprofit school food service account including the Buy American regulation and the prohibition against geographic preferences. State agencies should ensure that selected schools are aware of the procurement regulations.

**Attachments/Resources:**

Richard B. Russell National School Lunch Act, section 18(g)
Pertinent portion of The Consolidated Appropriations Act of 2008

Claim for Reimbursement (or FFVP Performance Report)
Sample Food Service Director Letter
Sample School Profile Sheet
Sample State/Local agreement

Financial Reporting Forms: FNS-269A, FNS-674, FNS-4
Financial Reporting: 269A Reporting Chart (from HQ FM)

FFVP Guidance manual
ME Guidance Section on FFVP

FFVP State agency contacts:
Center for Disease Control & Prevention, Division of Nutrition & Physical Activity, More Matters, State FV Coordinators
MEMORANDUM

To: Joint Fiscal Committee Members

From: Nathan Lavery, Fiscal Analyst

Date: April 10, 2008

Subject: Grant Request

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cc: James Reardon, Commissioner
    Linda Morse, Administrative Assistant
    Richard Cate, Commissioner
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*[JFO received 04/09/08]*
STATE OF VERMONT
GRANT ACCEPTANCE FORM

DATE: March 25, 2008

DEPARTMENT: Department of Education

GRANT/DONATION (brief description and purpose): Federal reimbursement to Local Education Agencies for the cost of providing fresh fruits and vegetables to students at snack time.

GRANTOR/DONOR: U.S. Department of Education

GRANT PERIOD: 7/01/08-09/30/09

AMOUNT/VALUE: $250,000

POSITIONS REQUESTED (LIMITED SERVICE): None

ANY ON-GOING, LONG-TERM COSTS TO THE STATE: None

COMMENTS:

DEPT. FINANCE AND MANAGEMENT: (INITIAL)
SECRETARY OF ADMINISTRATION: (INITIAL)
SENT TO JOINT FISCAL OFFICE: (DATE)

RECEIVED
APR 09 2008
JOINT FISCAL OFFICE
1. Agency: Department of Education
2. Department: Department of Education
3. Program: Child Nutrition Programs
4. Legal Title of Grant: The Fresh Fruit & Vegetable Program
5. Federal Catalog No.: 10.582
6. Grantor and Office Address:
    U.S. Department of Agriculture
    Food and Nutrition Service
    2102 Park Center Drive
    Alexandria, Virginia
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   School children in Vermont who would otherwise have the opportunity to get free fresh fruits and vegetables at snack time, at after school activities and the like will not have that opportunity.
10. Budget Information:
    | (1st State FY) | (2nd State FY) | (3rd State FY) |
    |----------------|----------------|----------------|
    |                |                |                |
    | EXPENDITURES:  |                |                |
    | Personal Services | $              | $              | $              |
    | Operating Expenses | $              | $              | $              |
    | Other           | -          | $250,000       | $              |
    | TOTAL           | $              | $250,000       | $              |
    | REVENUES:       |                |                |
    | State Funds:    |                |                |
    | Cash            | $              | $              | $              |
    | In-Kind         | $              | $              | $              |
    | Federal Funds:  |                |                |
    | (Direct Costs)  | $              | $              | $              |
    | (Department Indirect) | $              | $              | $              |
    | Other Funds:    |                |                |
    | (source) Grant  | $              | $250,000       | $              |
    | TOTAL           | $              | $250,000       | $              |

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-over-
11. Will grant monies be spent by one or more personal service contracts?

☐ YES  ☒ NO

If YES, signature of appointing authority here indicates intent to follow current guidelines on bidding.

12a. Please list any requested Limited Service positions:

<table>
<thead>
<tr>
<th>Titles</th>
<th>Number of Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

12b. Equipment and space for these positions:

☐ Is presently available.

☐ Can be obtained with available funds.

13. Signature of Appointing Authority

I certify that no funds have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant.

(Signature) 8-17-08
(Date)

(CFO/Dep. Commissioner)

14. Action by Governor:

☑ Approved  (Signature) 4/3/08
(Date)

15. Secretary of Administration:

☑ Request to JFO  (Signature) 3/31/08
(Date)

16. Action by Joint Fiscal Committee:

☐ Request to be placed on JFC agenda

☐ Approved (not placed on agenda in 30 days

☐ Approved by JFC

☐ Rejected by JFC

☐ Approved by Legislature

(Signature)  (Date)
MEMO CODE: SP 08-2008

Date: January 16, 2008

Subject: Fresh Fruit and Vegetable Program

To: State Agencies
Child Nutrition Programs
All States
Regional Directors

This is to make you aware of a provision in the Fiscal Year 2008 Omnibus Appropriation Act.

Effective for the school year beginning July 1, 2008, the Act provides $9.9 million to expand the Fresh Fruit and Vegetable Program (FFVP) to those States that were not previously authorized to participate on a permanent basis and not part of the FY 2006 Appropriation. These funds will allow for Program expansion to all States not currently authorized and to the District of Columbia.

States not currently participating in the program are advised to begin the selection process of 25 schools. When selecting schools, States must comply with Section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)). Section 18(g)(3) of the National School Lunch Act is attached and can also be found at: http://www.fns.usda.gov/cnd/Governance/Legislation/Historical/NSLA-Nov-10-2005.pdf

It is important to note that legislation currently being discussed by Congress could have some additional effect on the future scope of the FFVP, but it will not affect the $9.9 million from Appropriations.

For now, we wish to make sure that you are aware that funding is available for SY 2008-2009 and that it is advisable to begin the school selection process as soon as possible. We will schedule conference calls shortly to provide additional information and answer questions.

Sincerely,

ROBERT M. EADIE
Acting Director
Child Nutrition Division

Enclosure
Brodeur, Aaron

From: Flanagan, Kathy
Sent: Friday, March 28, 2008 9:55 AM
To: Brodeur, Aaron
Cc: Talbott, Bill
Subject: Fruit & Vegetable AA-1

Aaron,

Our program person has just confirmed that the Fruit & Vegetable allocation from the Feds is for one year only.

----------------------------------
Kathy Flanagan
Assistant Division Director
Finance & Administration
Vermont Department of Education
(802) 828-0482
kathy.flanagan@state.vt.us
Becky,

Here is the information I received from the Child Nutrition program manager, per your request.

The Federal rules established that 25 schools per state can participate. Only schools with at least 50% free and reduced students can apply (Vermont has approximately 50-60 schools that meet this criteria). We are using a selection process suggested by the federal government. Schools when they apply are asked to explain what their project will entail, and what kind of nutrition education will be included in their project. We expect to assign points to the criteria noted in the application, and select schools based on their "scores".

Please let me know if you require additional information.

Kathy

----------------------------------------
Kathy Flanagan
Assistant Division Director
Finance & Administration
Vermont Department of Education
(802) 828-0482
kathy.flanagan@state.vt.us
Sec. 18

RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

(1) any effect on participation by children and service institutions in the summer food service program in the eligible State in which the program is carried out; (ii) any effect of the program on the quality of the meals and supplements served in the eligible State in which the program is carried out; and

(iii) any effect of the program on program integrity.

(6) REPORT.—Not later than April 30, 2007, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

(A) the evaluations completed by the Secretary under paragraph (5); and

(B) any recommendations of the Secretary concerning

(g) FRESH FRUIT AND VEGETABLE PROGRAM.—

(1) IN GENERAL.—For the school year beginning July 2004 and each subsequent school year, the Secretary shall carry out a program to make free fresh fruits and vegetables available, to the maximum extent practicable, to—

(A) 25 elementary or secondary schools in each of the

4 States authorized to participate in the program under this subsection on May 1, 2004;

(B) 25 elementary or secondary schools (as selected by the Secretary in accordance with paragraph (3)) in each of 4 States (including a State for which funds were allocated under the program described in paragraph (3)(B)(ii)) that are not participating in the program under this subsection on May 1, 2004; and

(C) 25 elementary or secondary schools operated on 3 Indian reservations (including the reservation authorized to participate in the program under this subsection on May 1, 2004), as selected by the Secretary.

(2) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day in 1 or more areas designated by the school.

(3) SELECTION OF SCHOOLS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in selecting additional schools to participate in the program under paragraph (1)(B), the Secretary shall—

(i) to the maximum extent practicable, ensure that the majority of schools selected are those in which not less than 50 percent of students are eligible for free or reduced price meals under this Act;

(ii) solicit applications from interested schools that include—

(I) information pertaining to the percentage of students enrolled in the school submitting the ap-
application who are eligible for free or reduced price school lunches under this Act;

(II) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school); and

(III) such other information as may be requested by the Secretary;

(iii) for each application received, determine whether the application is from a school in which not less than 50 percent of students are eligible for free or reduced price meals under this Act; and

(iv) give priority to schools that submit a plan for implementation of the program that includes a partnership with 1 or more entities that provide non-Federal resources (including entities representing the fruit and vegetable industry) for—

(I) the acquisition, handling, promotion, or distribution of fresh and dried fruits and fresh vegetables; or

(II) other support that contributes to the purposes of the program.

(B) NONAPPLICABILITY TO EXISTING PARTICIPANTS.—Subparagraph (A) shall not apply to a school, State, or Indian reservation authorized—

(i) to participate in the program on May 1, 2004; or

(ii) to receive funding for free fruits and vegetables under funds provided for public health improvement under the heading "DISEASE CONTROL, RESEARCH, AND TRAINING" under the heading "CENTERS FOR DISEASE CONTROL AND PREVENTION" in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004 (Division E of Public Law 108-199; 118 Stat. 238).

(4) NOTICE OF AVAILABILITY.—To be eligible to participate in the program under this subsection, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

(5) REPORTS.—

(A) INTERIM REPORTS.—Not later than September 30 of each of fiscal years 2005 through 2008, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report that describes the activities carried out under this subsection during the fiscal year covered by the report.

(B) FINAL REPORT.—Not later than December 31, 2008, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and
Forestry of the Senate a final report that describes the results of the program under this subsection. (6) FUNDING.—
(A) EXISTING FUNDS. — The Secretary shall use to carry out this subsection any funds that remain under this subsection on the day before the date of enactment of this subparagraph.
(B) MANDATORY FUNDS.—
(i) IN GENERAL. — On October 1, 2004, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $9,000,000, to remain available until expended.
(ii) RECEIPT AND ACCEPTANCE. — The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds made available under this subparagraph, without further appropriation.
(C) AUTHORIZATION OF APPROPRIATIONS. — In addition to any amounts made available under subparagraphs (A) and (B), there are authorized to be appropriated such sums as are necessary to expand the program carried out under this subsection.
(D) REALLOCATION. — The Secretary may reallocate any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.
(h) SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.—
(1) IN GENERAL. — During the month after the date of enactment of this subsection through September, 2004, and the months of May through September, 2005, the Secretary shall modify eligibility criteria, at not more than 1 private nonprofit residential camp in each of not more than 2 States, as determined by the Secretary, for the purpose of identifying and evaluating alternative methods of determining the eligibility of residential private nonprofit camps to participate in the summer food service program for children established under section 13.
(2) ELIGIBILITY. — To be eligible for the criteria modified under paragraph (1), a residential camp —
(A) shall be a service institution (as defined in section
(B) may not charge a fee to any child in residence at the camp; and
(C) shall serve children who reside in an area in which poor economic conditions exist (as defined in section
(3) PAYMENTS.—
(A) IN GENERAL. — Under this subsection, the Secretary shall provide reimbursement for meals served to all children at a residential camp at the payment rates specified in section 13(b)(1).
(B) REIMBURSABLE MEALS. — A residential camp selected by the Secretary may receive reimbursement for not
Background
FFVP as a permanent program in 11 states with annual funding of $9 million. The
permanent program operates in the following 8 states and 3 Indian Tribal Organizations:
Indiana, Iowa, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, Washington,
Arizona Inter-Tribal Council ITO, New Mexico-Zuni-ITO, and South Dakota-Oglala
Sioux Tribe ITO.

P.L. 109-97, The Appropriations Act of FY 2006, appropriated $6 million to expand the
program to 6 additional states: Connecticut, Idaho, New Mexico, Texas, Utah and
Wisconsin. No additional funds were appropriated for these states in FY 2007.

The Consolidated Appropriations Act of 2008, P.L. 110-161
expand the FFVP nationwide (37 remaining states). The Act also allowed FNS to
reallocates $3.4 million of recovered FFVP funds to the six states under P.L. 109-97

School Selection Process
States currently not participating in the FFVP, (including Arizona and South Dakota)
must select 25 schools (no more, no less). It is important that each State begin the
school selection process as soon as possible given the process can be lengthy. The six
states authorized under P.L. 110-161 have FFVP funds currently available and should
start the program as soon as possible. Once schools are selected, states may choose to
select all, some or no new schools in latter years. If the State agency elects not to select
new schools, the enrollment figures still must be reviewed/adjusted each year.

Schools are to be selected according to the criteria in section 18(g) of the Richard B
Russell National School Lunch Program. For your convenience, below is a summary of
the criteria.

• To the maximum extent practicable, the majority of schools selected are those in
which 50% or more of students are eligible for free or reduced price meals;
• Priority is given to schools that submit a plan for implementation of the program
that includes
  o A partnership with one or more entities that provide non-Federal resources
    (including entities representing the fruit and vegetable industry) for the
    acquisition, handling, promotion, or distribution of fresh fruits and
    vegetables; or
  o Other support that contributes to the purposes of the program, such as
    nutrition education.
• Schools that are applying must provide a certification of support signed by the
  o school food manager,
  o the school principal and,
the district superintendent or equivalent position as determined by the school.

**Funding Process and Life of the Funds**

**Fiscal Year 2008 Funds:**

11 Permanent States $9 million:
- States operating under P.L. 108-265, received a prorated share, based on the enrollment of all participating schools, of $9 million on October 1, 2007, and will continue to receive FFVP funds in the same manner as authorized under this law.
- The period of performance is the federal fiscal year, October 1 through September 30.

6 States, $3.4 million:
- 6 states - FNS allocated approximately $3.4 million. States were notified of their prorated share of the allocation through emails in January from headquarters Financial Management Division.
- HQ's Grants Management Division has sent out an addendum to the current FFVP grant agreement. Please return the signed agreement to Leslie Byrd as soon as possible.

37 States, approximately $9.9 million:
- Funds will be distributed equally among 37 states. Each state will receive a one-time allocation of approximately $250,000.
- South Dakota and Arizona which participate as ITOs, will also participate with 25 additional schools.
- Funding for program operations will be disbursed through the Letter of Credit and schools may start expending funds July 1, 2008.
- July 1, 2008: States will receive a portion of their total allocated funds to start program operation for the first quarter of the school year. These funds will be closed out as of September 30, 2008.
- October 1, 2008: States will receive the remaining portion of their grant. These funds are available for the federal fiscal year, which ends September 30, 2009.

**Guidance Material and Other Program Assistance**

- The guidance manual and FNS prototype forms, program background and legislation for the FFVP are available on-line at http://www.fns.usda.gov/cnd/ffvp/ffvpdefault.htm. States may develop their own forms or may use forms from currently participating states. At a minimum, any newly developed Claim Form or State/Local agreement must incorporate data elements from the Prototype forms. The forms currently on-line are:
  - Claim for Reimbursement (or FFVP Performance Report)
  - Sample Food Service Director Letter
  - Sample School Profile Sheet
  - Sample State/Local agreement
National Partners: Center for Disease Control and Prevention has served as a partner to the FFVP since the program started as a pilot, and their State level Fruit and Vegetable Nutrition Coordinators (or 5-A-Day) have worked closely with FFVP schools. Other national partners include National Cancer Institute, the American School Food Service Association, Produce for Better Health Foundation and United Fresh Fruit and Vegetable Association.

States and schools have also developed State level partnerships with their state Cancer Institute, American Heart Associations, and local businesses and grocery stores. Often times local and state organizations can provide free resources and are available for general program support. Attached by State, is a list of Fruit and Vegetable Nutrition Coordinators.

Program Oversight
The FFVP operates under the NSLP and as such all reporting, recordkeeping and monitoring requirements, as pertinent, apply. Please note that while the NSLP can provide different types of processed fruits and vegetables, such as frozen and canned, the FFVP requirements only allow fresh fruits, dried fruits and fresh vegetables.

State agencies have direct oversight of the FFVP. Responsibilities include:
• Selecting 25 schools using criteria established in law. States may also include additional criteria they would like their schools to meet.
• allocating FFVP funds to their 25 schools based on the enrollment of the 25 selected schools.
• Reviewing schools’ claims for appropriate expenditures;
• ensuring appropriate addenda are added to the State/local agreements for operation of the FFVP.

Monitoring
When selecting schools for CREs or any oversight or monitoring activities, as possible, please ensure that at least one of the selected schools operates the FFVP. If reviewers are conducting any type of oversight activity in the same district as a FFVP school, please make every effort to review the FFVP school to assure this new program is operating properly.

Program Operations – Reporting
State Agencies:
• Financial reporting for the Fresh Fruit and Vegetable Program (FFVP) will be conducted via the Food Programs Reporting System (FPRS)
• SF-269As for the FFVP have been set up in FPRS for all states.
• In order to report FFVP SF-269(A)s in FPRS, individuals must request access by submitting the FNS-674 and addendum.
• States must also complete the FNS-4 for the CN-FFVP.
• South Dakota, Arizona, and New Mexico: have to submit 2 SF-269(A)s for FFVP –
o one 269A for ITO schools. The new form in FPRS for ITO schools will be called CN-FFVP-ITO and be available soon.

o one 269A for geographic State schools

- New states reporting FY 2008 expenditures will submit blank SF-269(A)s for 1st, 2nd, and 3rd quarters (please do not include zeros). (This includes SD and AZ with FFVP in geographic State schools.)
- Financial data will be submitted beginning 4th quarter for the 37 new states.

**Recordkeeping**

Please follow the same recordkeeping requirements for the FFVP as with other Child Nutrition Programs.

Please note that the CFDA number for the Fresh Fruit and Vegetable Program is 10.582.

**Procurement and Buy American “Provision”**

The FFVP is subject to the same procurement requirements that apply to any purchase from the nonprofit school food service account including the Buy American regulation and the prohibition against geographic preferences. State agencies should ensure that selected schools are aware of the procurement regulations.

**Attachments/Resources:**

- Richard B. Russell National School Lunch Act, section 18(g)
- Pertinent portion of The Consolidated Appropriations Act of 2008
- Claim for Reimbursement (or FFVP Performance Report)
- Sample Food Service Director Letter
- Sample School Profile Sheet
- Sample State/Local agreement

- Financial Reporting Forms: FNS-269A, FNS-674, FNS-4
- Financial Reporting: 269A Reporting Chart (from HQ FM)

- FFVP Guidance manual
- ME Guidance Section on FFVP

**FFVP State agency contacts:**

Center for Disease Control & Prevention, Division of Nutrition & Physical Activity, More Matters, State FV Coordinators