



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

---

Office of P-20 Policy  
Child Nutrition Program Administration  
89 Washington Avenue, Room 375 EBA, Albany, NY 12234  
(518) 473-8781 Fax (518) 473-0018  
[www.cn.nysed.gov](http://www.cn.nysed.gov)

**To:** Superintendents of Public School Districts; BOCES District Superintendents; School Business Officials; Charter School Leaders, School Food Service Directors/Managers

**From:** Child Nutrition Program Administration

**Date:** July 2021

**Subject:** Frequently Asked Questions Regarding the 30% NYS Initiative

*This guidance was prepared jointly by the New York State Education Department and the New York State Department of Agriculture and Markets*

The following frequently asked questions were developed to supplement the [Additional State Subsidy for Purchasing New York State Food Products](#) memorandum. This guidance will be updated as necessary to assist School Food Authorities (SFAs) in implementing this initiative.

## **GENERAL**

### **1. Is this initiative based only for lunch?**

Yes. The additional reimbursement through this initiative is available only to SFAs that spend at least thirty percent of total food costs for the school lunch program on New York State (NYS) food products in the preceding school year.

### **2. Can SFAs that contract with a Food Service Management Company participate in this initiative? What about SFAs that purchase vended meals?**

SFAs that contract with a Food Service Management Company to purchase food items and prepare school lunches on the SFA's behalf may participate in this initiative. Schools that purchase school lunches from a vendor are not eligible to participate in this initiative.

### **3. Will procurement regulations be relaxed for this initiative?**

All purchases made by schools, whether funded wholly or in part with child nutrition program funds, must comply with all federal, state, and local procurement requirements. Schools must follow the most prescriptive rules in their area.

**4. NEW Are there Farm to School coordinators in my area that can assist me with the 30%?**

The Department of Agriculture and Markets has partnered with Cornell Cooperative Extension (CCE) to expand the network of farm to school coordinators in New York State. To see if there is a CCE Farm to School coordinator in your area, click [here](#).

## **DEFINING NYS PRODUCTS**

**5. What qualifies as a New York State food product?**

For this initiative, a “New York State Food Product” is defined as:

- A food item that is grown, harvested, or produced in New York State (NYS); or
- A food item processed inside or outside NYS comprising over 51% agricultural raw materials grown, harvested, or produced in NYS, by weight or volume.

**6. What qualifies as a New York farm product?**

“Farm product” is defined as any agricultural, dairy or horticultural product, or any product designed for food manufactured or prepared principally from an agricultural, dairy or horticultural product and the commercial raising, shearing, feeding and management of animals on a ranch. "Dairy products" means milk and products derived therefrom, and products of which milk or a portion thereof is a significant part.

**7. What is the difference between produced and processed?**

“Producing” is defined as the producing of food grown upon and/or harvested from the farm or waters through agricultural, horticultural, aquacultural, or dairying processes.

“Processing” is defined as any alteration of a food product from its raw or original state to enhance its value or render it suitable for consumption. Examples of processing include, but are not limited to, butchering of meat or poultry, cooking, juicing, pasteurizing, peeling/cutting, and/or packaging food products.

## **QUALIFYING PROCESSED PRODUCTS**

**8. Who will certify that a processed item contains over 51% NYS Food Product?**

Processed products that are [New York Grown and Certified](#) already meet the criteria. For all other processed products, the SFA must obtain a Product

Formulation Statement for Documenting processed New York State Food Products ([PFS](#)) from the product manufacturer/processor to certify that the product comprises over 51% agricultural raw materials grown, harvested, or produced in NYS, by weight or volume.

Any NYS ingredient listed on a PFS that is a processed product must also be either New York Grown and Certified or have its own PFS.

- For example: The PFS for “Leo’s Famous Pizza” lists two NYS ingredients: tomato sauce and cheese. Since both the tomato sauce and cheese are processed products, a PFS for each of these ingredients is required to validate the PFS for “Leo’s Famous Pizza”.

Processed products that are not New York Grown and Certified or that do not have a PFS from the product manufacturer/processor, will not contribute toward this initiative.

**9. Can water in a processed food item be counted as a NYS food product and contribute toward the 30% Initiative?**

No. Water should only be included on a PFS as contributing toward the “total amount of raw product” in the processed item.

**10. If a product is manufactured or distributed in NYS, does it count towards this initiative?**

No, only products that meet the definition of a “New York State food product” as defined in this guidance may count towards the 30% NYS Initiative.

**11. What if I am unsure of what documentation will be needed for a specific product?**

The documentation must reasonably demonstrate that the food item meets the definition of a NYS food product as defined in this guidance. Since product supply chains vary, the documentation needed to support products also differs. The following tools have been developed to provide guidance on documentation needed for different types of products:

- [30% NYS Eligibility Worksheet](#)
- [Cornell Cooperative Extension \(CCE\) Guidance](#)

**12. How do we know if a PFS is completed accurately and contains all required information?**

Please refer to the 30% [Product Formulation Statement Guide](#). Please note, the [PFS](#) must be completed and signed by the manufacturer/processor of the NYS food

product. It is important to carefully read the instructions provided on the top of the document to ensure all required information is included.

## **WHERE TO FIND NEW YORK STATE FOOD PRODUCTS**

### **13. Where can I find New York growers, producers, harvesters, processors, and dairy suppliers?**

- Visit the [New York State Department of Agriculture and Markets' website](#) for resources to locate NYS producers and processors. Continue to check back regularly for updates and improved lists.
- Visit a nearby [farmers market](#) and ask farmers if they are willing to sell wholesale.
- Visit the [Where to Buy](#) section of [certified.ny.gov](#) to find New York State grown & certified products near you.
- Visit the Cornell Cooperative Extension- Harvest NY [30% Eligible NY Product database](#) to find eligible NYS products.
- Contact a [Cornell Cooperative Extension office](#) to find out what farmers are looking for markets and what distributors are working with local farms nearby.

### **14. Can SFAs use Office of General Services (OGS) centralized contracts to purchase NYS food products for this initiative?**

As with all procurements for goods and services using an SFA's nonprofit foodservice account, [OGS centralized contracts](#) may be considered one source of prices when using small purchase procedures, sealed bids or competitive proposals, as applicable.

### **15. How can I identify New York food products on OGS centralized contracts?**

Within each contract, you can navigate to a PDF link to a price guide, which are downloadable Excel files. Each price guide has a column labeled "NY Produced or Processed" which you can use to sort and identify available New York food products. Price guides are updated regularly.

**NOTE:** Products indicated as "NYS Produced or Processed" within OGS contracts follow a **more restrictive definition** than what was developed for this initiative. As such, all products indicated as "NYS Produced or Processed" on an OGS food or fluid milk contract qualify as New York State food products for the purposes of this initiative.

### **16. How can I identify New York dairy suppliers through the OGS centralized contracts?**

[Centralized contracts for fluid milk](#) are awarded regionally; price information is updated annually and monthly. Federal requirements dictate that these contracts may be one source of prices when using small purchase procedures, sealed bids or competitive proposals, as applicable.

## **DETERMINING THE 30% THRESHOLD**

### **17. How can SFAs determine what is 30% of lunch purchases?**

SFAs can use the [30% Calculation Tool](#) to project the amount of eligible purchases needed to participate in this initiative. This same calculation is used in the application for SFAs to report data from the previous school year.

**The 30% calculation is as follows:**

**Step One: Calculate Annual Food Cost Percentage:**

$$\frac{\text{Total Food Cost of all food purchased*} \\ \text{(breakfast, lunch, snack, a la carte, SSO, SFSP, etc.)}}{\text{(All federal Reimbursement + All State Reimbursement+ All Sales)**}} = \text{Total Food Cost Percentage}$$

\*Total food cost of all food purchased includes food purchased from July 1, 2020 – June 30, 2021. Include food purchased for SFSP meals served during Summer 2020. Do not include inventory leftover from the previous school year or purchases made in the current school year.

\*\*All federal and State reimbursement and sales includes reimbursement for all Child Nutrition Programs such as National School Lunch/Snack/SSO School Breakfast Program, Summer Food Service Program.

**Step Two: Report School Year Annual Income from Reimbursable School Lunches:**

$$\begin{array}{l} \text{Annual Lunch federal reimbursement (NSLP, SSO lunch, and} \\ \text{reimbursement for SFSP lunch meals served as school lunches} \\ \text{during the 2020-21 SY)} \\ \text{Annual Lunch state reimbursement (NSLP, SSO lunch, and} \\ \text{reimbursement for SFSP lunch meals served as school lunches} \\ \text{during the 2020-21 SY)} \\ + \text{ Annual sale of reimbursable lunch meals (NSLP paid lunch meals)} \\ \hline \text{Total Income from Reimbursable School Lunches} \end{array}$$

**Step Three: Calculate Food Cost for Lunch**

$$\begin{array}{r} \text{Total Income from Reimbursable Lunches} \\ \text{X Total Food Cost Percentage} \\ \hline \text{Food Cost for Lunch} \end{array}$$

**Step Four: Calculate 30% of Lunch Costs**

$$\begin{array}{r} \text{Food Cost for Lunch} \\ \text{X .30} \\ \hline \text{30\% of Lunch Costs} \end{array}$$

For further illustration, below is the calculation with the following numbers reported by an SFA:

- Total cost of all food purchased: \$720,177.93
- Total of all federal reimbursements: \$1,655,286.00
- Total of all state reimbursements: \$61,930.00
- Total from the sale of all food: \$474,365.00
- Total school lunch federal reimbursement: \$1,255,617.00
- Total school lunch state reimbursement: \$44,307.00
- Total paid lunch meal sales: \$424,155.58

**Step One: Calculate Annual Food Cost Percentage**

$$\frac{720,177.93}{(1,655,286.00 + 61,930.00 + 474,365.00 = 2,191,581)} = .3286$$

**Step Two: Report School Year Annual Income from Reimbursable School Lunches**

$$\begin{array}{r} 1,255,617.00 \\ 44,307.00 \\ + 424,155.58 \\ \hline 1,724,079.58 \end{array}$$

**Step Three: Calculate Food Cost for Lunch**

$$\begin{array}{r} 1,724,079.58 \\ \text{X .3286} \\ \hline \end{array}$$

566,532.55

**Step Four: Calculate 30% of Lunch Costs**

$$\begin{array}{r} 566,532.55 \\ \times .30 \\ \hline 169,959.77 \end{array}$$

In this example, the SFA would have to maintain documentation to support that at least \$169,959.77 was spent on NYS food products for the lunch program to be eligible for the additional reimbursement.

The 30% Calculation Tool has been developed for SFAs to determine their 30% threshold for this initiative. **The calculation shown here and in the tool is the only acceptable method to determine the 30% threshold for the purpose of this initiative.**

**18. Can it be “almost” 30%?**

To participate in this initiative, SFAs are required to purchase **at least** 30 percent of their total food costs for lunches in the preceding school year on NYS food products.

**QUALIFYING PURCHASES**

**19. If a product is donated from a local source/farm, how does this contribute toward the NYS 30%?**

Since there is no cost incurred for donated food, it does not contribute toward the amount spent on food for this initiative.

**20. If the nonprofit school food service account purchases items for the school garden such as fertilizer, watering cans, rakes, etc.; can these school garden expenses be used toward meeting the 30%?**

Only NYS food products purchased for the school lunch program may contribute toward the purchases for this initiative. Since items purchased for the school garden are not NYS food products, these school garden expenses do not contribute toward purchases for this initiative.

**21. The school food service purchases produce from a school organization that maintains and manages the school garden. Would these purchases contribute to**

the 30%?

Yes, if the purchases are for NYS food products purchased for the school lunch program, they can contribute to the purchases for the initiative.

**22. Does participation in the USDA Pilot for Unprocessed Fresh Fruits & Vegetables count toward this initiative?**

The [USDA Pilot for Unprocessed Fruit and Vegetables](#) allows schools to use USDA foods entitlement funding for these purchases. Since there is no expense to the school's nonprofit foodservice account for these products, the value of food products acquired through the Unprocessed Fruit and Vegetable Pilot Project entitlement funding does not contribute toward this initiative.

**23. NEW Can the value of USDA (commodity) foods be counted as a revenue, expenses or in the amount purchased on NYS food products for this initiative?**

The value of USDA foods is excluded from this initiative as these food items are made available through entitlement funding and is not a cost to the SFA. However, the cost of any additional processing as well as shipping, storage and/or delivery fees may be included for USDA foods that are NYS food products.

**24. Can expenditures made for the Fresh Fruit and Vegetable Program be used toward the 30%?**

Only purchases made for products used in reimbursable school lunches may be counted for this initiative. Purchases made for use in other programs, such as the Fresh Fruit and Vegetable Program, School Breakfast Program, Afterschool Snack Program, meals served during the summer months when school is not in session, or the cost of food products used at lunch that are not part of the reimbursable meal, for example bottled water, cannot be included in the cost of NYS food purchases for this initiative.

**25. How will schools account for multi-use items such as cheese and milk that are used at both breakfast and lunch?**

Each school must develop a system to track the use of NYS food products separately for lunch and maintain documentation on file to support their method. Acceptable methods may include, but are not limited to, using a POS system, production records and standardized recipes to track purchases for lunch. SFAs must keep documentation to support how the cost of multi-use items are calculated toward the initiative. **Schools may not use a percentage and/or an average to determine the cost of these products used at lunch.**



**26. Can schools use a percentage and/or an average to account for the cost of multi-use items that are used at both breakfast and lunch? Can a percentage and/or average be used specifically for milk?**

No. A percentage and/or average cannot be used to calculate the cost used at lunch for multi-use items that are used at both breakfast and lunch, including milk. The SFA must have an accurate system for accounting for multi-use items, including milk, that indicates the number of NYS food product/milk served daily. When accounting for these items, it is important the SFA has a count of NYS food item/milks **SERVED**, not offered/purchased. SFAs are required to maintain documentation to support the method used to account for multi-use NYS food products.

**27. NEW Does this initiative apply solely to the reimbursable meals or for all foods sold during the school year?**

Any NYS food product purchased and served in the reimbursable meal for the school lunch program may contribute toward this initiative.

NYS food products that are sold a la carte at lunch may only be included if at some point during the applicable school year the NYS food product was offered free of charge as part of the reimbursable lunch meal. These items must fit into the weekly Dietary Specification limits for the NSLP meal pattern.

SFAs must maintain documentation to support that the NYS food products were served as part of the reimbursable lunch meal during the school year.

**Please note: the 30% NY initiative is intended to provide healthy NYS food products, such as farm fresh items, to children as part of their lunch meal in school. SFAs applying for the 30% NY initiative should, to the best extent possible, reach the required threshold with healthy, farm fresh items served with the reimbursable lunch meal and should limit the inclusion of a la carte snack foods.**

**28. If a school orders NYS produce but the produce vendor supplies products from California and Florida, can these purchases still contribute to this initiative?**

Only the cost of NYS food products for the lunch program can contribute toward this initiative. Products from other sources do not qualify. SFAs are required to maintain documentation of the purchase of NYS food products for lunch to participate in this initiative. Vendors who supply items from both NYS and other states should indicate clearly on invoices which items are NYS food products or should provide documentation to show which items meet the definition of a NYS food product as defined in this guidance. This documentation may include a farm

list that indicates specific products as NYS food products with a product/item number that matches the SFAs invoices.

**29. Will juices made from fruit grown in NYS but processed over state borders contribute to this initiative?**

For a processed product to contribute toward this initiative, the product must be [New York Grown & Certified](#) or the SFAs must obtain a [PFS](#) from the product manufacturer to certify that the product is comprised of over 51% agricultural raw materials grown, harvested, or produced in NYS, by weight or volume. Processed products that are not New York Grown & Certified or which the SFA does not have a PFS from the product manufacturer, do not contribute toward this initiative. Please refer to the [product formulation statement guide](#) for more information

**30. Does the school garden have to be GAP certified to sell produce to the NSLP program for this initiative?**

SFAs should always purchase food from reliable, reputable sources that follow Good Agricultural Practices (GAPs) and good handling practices. Although USDA and NYS do not require school nutrition programs to purchase from GAP certified farms, it may be a local requirement for some schools.

**31. Can schools use recipes made with New York State ingredients and count them towards the 30% initiative?**

For recipes prepared by schools, only the cost of the [NYS food products](#) used in the recipe will count towards the 30% initiative.

The cost of the portion size of the individual NYS food products used in the recipe can contribute to the total dollar amount spent on NYS products.

For example, if a school is using homemade ranch dressing and the sour cream and milk are NYS food products they may be counted. However, the cost of the other ingredients such as mayonnaise and ranch seasoning may not be included.

It is important to note, that the school must have sufficient documentation demonstrating that the sour cream and milk meet the definition of a NYS Food product. In this example, both sour cream and milk are processed food items and therefore the school must have a completed PFS or documentation that they are NYS Grown & Certified products.

The school must also have documentation to support the cost of the actual portion of those products used in the recipe that contribute to the 30% Initiative.

## **APPLYING FOR, RECEIVING AND SPENDING INITIATIVE FUNDS**

### **32. NEW How and when can SFAs apply to receive the additional reimbursement through this initiative?**

SFAs are required to annually apply to receive the additional state reimbursement.

To apply, SFAs must follow the 3-step application process that includes:

1. Submitting an online application through the Child Nutrition Management System (CNMS),
2. Completing and submitting the “NYS Initiative Attachment” excel document that identifies all NYS food products contributing to the 30%
3. Signing and submitting an attestation statement

The application will be made available in CNMS after the SFA files all claims for reimbursement for the school year the application pertains to. Complete applications (including all 3 steps above) must be submitted by August 15<sup>th</sup>.

SED will review the 30% applications and contact SFAs if additional information is necessary. The CNMS administrator and the CNMS users will receive email notification if the SFA has demonstrated they qualify for the 30% initiative and the application is approved.

SFAs should expect a documentation review of the supporting documentation for the 30% initiative application.

For details on the application process, please see the application memo found on the Child Nutrition Knowledge Center (CNKC) website.

### **33. Once an SFA is approved for additional reimbursement, when will the SFA receive the funds?**

SFAs approved for the additional funding, will receive a total of \$.25 in state reimbursement for each reimbursable lunch meal claimed in the current school year. For example, if an SFA applies for the additional funding in July of 2021, it would use data from the 2020-2021 school year on its application. If approved, the SFA would receive \$.25 in state reimbursement for each reimbursable lunch meal claimed in the 2021-2022 school year.

### **34. How are 30% NYS Initiative reimbursement dollars allowed to be spent?**

The additional reimbursement must be maintained in the SFA's nonprofit food service account and must only be used for the operation and improvement of child nutrition programs and treated in the same manner as all other funds in the nonprofit foodservice account.

**35. NEW Will there be an audit or review of my supporting documentation?**

Yes. All SFAs wishing to receive the additional reimbursement should expect an off-site and/or on-site review of documentation by SED. It is expected all SFAs applying for the initiative have supporting documentation available at the time their application is submitted. Upon request, SFAs are required to make all accounts and records pertaining to its school food service immediately available to USDA, SED or any other authorized entity, for audit or review.

**36. NEW If my SFAs school lunch account receives aid from a BOCES entity for services provided, do I include this revenue on the application?**

Yes. Any revenue accrued to the non-profit school food service account should be included as revenue in the "other" category in step 1 of the 30% calculation.

**37. NEW Can food purchases made at the end of the school year which are intended to be used for Child Nutrition Programs (i.e. SFSP, NSLP, SBP) in the following school year count towards the 30% NY initiative?**

When applying for the 30% initiative, only food purchases for the school year the application pertains to should be included.

For example, food purchased in SY 2020-2021 with the intent to be used in SY 2021-2022, should not be included when the SFA is submitting the 2020-2021 SY application. Instead, these food purchases may be included in the application for SY 2021-2022, as applicable.

**KOSHER**

**38. How can schools that keep kosher work toward meeting the 30% threshold?**

Qualifying purchases made for products used in the National School Lunch Program may be counted for this initiative. Please refer to the guidance provided throughout this document and the [Additional State Subsidy for Purchasing New York State Food Products](#) memo containing the original guidelines to determine whether products meet eligibility criteria.

Please note: in order for any processed product to be counted, the product must be [New York Grown & Certified](#), or the SFAs must have a [PFS](#) from the product manufacturer to certify that the product comprises over 51% agricultural raw materials grown, harvested, or produced in NYS, by weight or volume.

### **39. What qualifying kosher products are grown or processed in New York?**

In 2004, New York State passed the **Kosher Protection Act** to provide increased oversight of kosher certified products produced in New York.

Fruits, vegetables and grains in their fresh, unprocessed state do not require a kosher certification. To verify whether dairy, select fresh produce, meat, fish and/or processed products are registered as kosher according to the guidelines established under New York's Kosher Protection Act, please visit the [Kosher Food Registry](#)

Any identified products SFAs wish to use in connection with the 30% NYS Initiative must comply with all other initiative guidelines, including verification that the product comprises over 51% agricultural raw materials grown, harvested, or produced in NYS, by weight or volume.

*Please note: The Kosher Food Registry is subject to frequent revisions and updates.*

## **2021-2022 SCHOOL YEAR- SEAMLESS SUMMER OPTION (SSO) OF THE NATIONAL SCHOOL LUNCH PROGRAM**

### **40. NEW Will SFAs who qualify to receive 30% NYS Initiative funding based on purchases in the 2020-2021 SY and are participating in the SSO during 2021-2022 SY receive the additional reimbursement for SSO lunches claimed?**

Yes. If an SFA approved for the 30% NYS Initiative based on purchases in 2020-2021 SY elects to operate the SSO during the 2021-2022 SY, the SFA will receive the 30% NYS Initiative reimbursement for each SSO lunch meal claimed.

### **41. NEW Do all NYS food products served in reimbursable SSO lunch meals during the 2021-2022 SY contribute to the cost of NYS food products for 2022-2023 SY Initiative funding?**

Yes. SFAs operating the SSO are encouraged to continue purchasing NYS food products.