

Records Retention

Section 3 Update Guide

- July 5, 2016 Updated the guidance in *Section 3, Records Retention* to remove the list of forms that is being moved to the SquareMeals website. The location for the Records List webpage is www.squaremeals.org/NSLPforms.
- February 20, 2015 Updated guidance in *Section 3, Records Retention* to incorporate guidance from the following sources:
- *USDA Memo SP 23-2014 (v. 2), Questions and Answers Related to the “Smart Snacks” Interim Final Rule* (June 5, 2014)
- Updated information on the following topics:
- Documentation related to competitive foods
 - Financial reporting
 - Renamed forms
 - New forms
- July 11, 2014 Updated *Section 3, Records Retention* to incorporate guidance and information on the following topics:
- Contact information for the Texas Department of Agriculture (TDA)
 - Specific information on requirements for forms to be submitted to TDA or kept onsite
 - Information about the retention of specific records to documentation required for administrative reviews
 - Updated form titles and removal of forms no longer required
 - Updated tables to provide information on records retention grouped by topic
 - References to other sections or locations for additional information

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**Contact Information for the
Texas Department of Agriculture (TDA), Food and Nutrition**

When contacting TDA by phone, Contracting Entities (CEs) need to have their CE Identification Number (CE ID) (and site ID if applicable). CEs should include their name and CE ID (and site name and ID if applicable) in all communication or documentation.

Website: www.squaremeals.org

Phone: 877-TEXMEAL, (877) 839 -6325 | **Fax:** (888) 203-6593

Physical Address: 1700 N. Congress, 11th Floor, Austin, TX 78701

Mailing Address: PO Box 12847, Austin, TX 78711-2847

Email Contact:

squaremeals@TexasAgriculture.gov

Email Contact for Issues Related to Applications:

National School Lunch Program, School Breakfast Program, & Special Milk Program:

NSLP-SBP.BOps@TexasAgriculture.gov

Fresh Fruit and Vegetable Program:

FFVP.BOps@TexasAgriculture.gov

Seamless Summer Option:

SSO.BOps@TexasAgriculture.gov

Child and Adult Care Food Program:

CACFP.BOps@TexasAgriculture.gov

Summer Food Service Program:

SFSP.BOps@TexasAgriculture.gov

Commodity Operations:

commodityoperations@TexasAgriculture.gov

Records Retention

Contracting entities (CEs) are required to retain accurate program documentation. These records must be available for audit purposes or review by the United States Department of Agriculture (USDA) or the Texas Department of Agriculture (TDA). CEs must adhere to the following record retention schedule:

Type of Institution	Number of Years Records ¹ Must Be Retained After the End of the Program Year*
Public Schools	5 [^]
Charter Schools	5 [^]
Private Schools	3 [^]
Residential Child Care Institutions (RCCI)	3 [^]
Other Organizations	3 [^]

*** Definition for Program Year**

For NSLP and SBP, the program year is July 1 to June 30. Therefore, the year for document retention begins on June 30.[^]

For Example: For a public school, school nutrition program documentation retained for program year 2013-2014 must be retained until June 30, 2019.

For an RCCI, school nutrition program documentation retained for program year 2013-2014 must be retained until June 30, 2017.

[^] Special Exceptions:

- **Food and Nutrition Agreement**—A CE’s Food and Nutrition Agreement (Agreement) and all Agreement amendments must be retained for the duration of the agreement between TDA and the CE. When there is a termination of the Agreement, the Agreement and all Agreement amendments must be retained for 5 years after the Agreement has been terminated for public and charter schools or 3 years for private schools, RCCIs, and other organizations.
- **Certificate of Authority**—All valid Certificates of Authority (FND-101) must be retained for the duration of the agreement between TDA and the CE. Any Certificate of Authority that has been rescinded or terminated must be retained for 5 years for public and charter schools or 3 years for private schools, RCCIs, and other organizations after it has been rescinded or terminated.
- **Administrative Review Findings**—If a CE has audit or administrative review (AR) findings, unresolved corrective action documents/plans, or other required response for corrective action required by TDA, any records related to these events must be maintained until the resolution of the issue/s. In these cases, the records must be retained beyond the number of years required.
- **Documentation Supporting Approval to Operate under a Special Provision**—When a CE uses data to establish base year percentages for eligibility categories or to demonstrate that there has been no change in the economic situation of the student population, the CE must retain records demonstrating the accuracy of this information for as long as the site operates the special provision program, plus an additional five years if the site is a public or charter school or an additional three years if the site is a private school or RCCI.

¹ A record means any chart, form, template, letter, information sheet, worksheet, or other document that the CE created or received in conducting SNP related business (*Texas Government Code* § 441.158; 13 TAC § 7.125, *Local Schedule SD, Part 11, Food Service Records* and 7 CFR § 210.23(c))

This section addresses records retention for the following School Nutrition Programs (SNPs):²

- National School Lunch Program (NSLP)
 - Afterschool Care Program (ASCP)
 - Fresh Fruit and Vegetable Program (FFVP)³
 - Seamless Summer Option (SSO)
- School Breakfast Program (SBP)
- Special Milk Program (SMP)

TDA Forms

TDA provides forms, samples, prototypes, templates, calculation tools, checklists, and worksheets at www.squaremeals.org to assist CEs in successfully implementing a school nutrition program as well as through the Form Download screen in the Texas Unified Nutrition Programs System (TX-UNPS).

CEs are not required to use the forms, samples, prototypes, and templates provided by TDA in documenting their efforts unless specified in the *Administrator's Reference Manual*; directions for samples, prototypes, and templates directions; or other directives from TDA. However, TDA strongly recommends that CEs do so.

In cases where CEs are allowed to develop their own versions of a forms, samples, prototypes, and templates, CEs are responsible to make sure that all required information and elements included in the TDA forms, samples, prototypes, and templates are collected in the CE's version. CEs also have the option to maintain records in paper or electronically.

Records List Webpage

In addition to the information in this section, TDA has created the *Records List* webpage located on the *SquareMeals* website that provides additional information on location, due dates, submission, and use of TDA forms, samples, prototypes, and templates provided to assist CEs in maintaining required documentation.

Training

CEs will also find *TDA's School Nutrition Programs Record Training* and *TDA Required Records Calendar* to be very helpful in managing documentation. The video training and calendar handout are available on the SquareMeals website (www.squaremeals.org), National School Lunch Program tab.

² More specific information on these programs is available at www.squaremeals.gov.

³ See USDA's Fresh Fruit and Vegetable Program at www.fns.usda.gov/cnd/FFVP/default.htm for additional information on this program as well as the *Fresh Fruit and Vegetable Program Handbook* located at www.squaremeals.gov.

Submitting Required Documentation to TDA

TDA requires that CEs submit some documentation through TX-UNPS and other documentation by mail, fax, email, or electronic processes. CEs should carefully review the method required for submitting documentation for any submission requirement.

In cases where TX-UNPS is not the method of submission, the CE must submit its documents or information as described in the directions in the required format to the TDA Austin office.⁴ See the *Contact Information for the Texas Department of Agriculture (TDA), Food and Nutrition* page that follows the table of contents in this section for detailed TDA contact information.

Compliance

Records retention is a vital component of demonstrating compliance with program requirements. CEs must make available, upon request of the awarding agency (state or federal), all documentation related to program operation. CEs are encouraged to develop a system of document retention that allows them to readily retrieve records. An effective system will include, but is not limited to, (1) a centralized location for all records and (2) staff understanding of where records are retained and how to retrieve them. Records may be retained in paper form, electronically, or both.

TDA reviews records to assess program compliance during administrative reviews and procurement reviews, to investigate complaints, to ensure compliance with reporting requirements, and for other compliance purposes. If the CE does not comply with regulations related to records retention, TDA may require a corrective action document/plan and may also take fiscal action, withhold funds, or terminate the Food and Nutrition (FND) Agreement for any CE that is not in compliance with program requirements.

⁴ See the *Contact Information for the Texas Department of Agriculture (TDA), Food and Nutrition* section for mail, fax, or email information.