

## Section 30

# Records Retention

# Section 30, Records Retention

## Update Guide

May 19, 2023	Created new <i>Definitions</i> and <i>Contact Information</i> sections, located at the beginning of the <i>Administrator's Reference Manual (ARM)</i> . Removed definitions and contact information from this section.
July 28, 2022	Updated <i>Section 30, Record Retention</i> to remove the Records List. Clarified information on: <ul style="list-style-type: none"><li>- <i>Security Authority for Users Access Manager Form (FND-135)</i></li></ul>
August 12, 2020	Updated <i>Section 30, Record Retention</i> to update <i>Administrator's Reference Manual (ARM)</i> section references.
July 5, 2016	Updated the guidance in <i>Section 3, Records Retention</i> to remove the list of forms that is being moved to the SquareMeals website. The location for the Records List webpage is <a href="http://www.SquareMeals.org/NSLPforms">www.SquareMeals.org/NSLPforms</a> .

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# 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 <sup>1</sup> Must Be Retained After the End of the Program Year*
Public Schools	5 <sup>^</sup>
Charter Schools	5 <sup>^</sup>
Private Schools	3 <sup>^</sup>
Residential Child Care Institutions (RCCI)	3 <sup>^</sup>
Other Organizations	3 <sup>^</sup>

\* 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.<sup>^</sup>

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.

<sup>^</sup> 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 *Security Authority for Users Access Manager Forms (FND-135)* 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.

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

- National School Lunch Program (NSLP)
  - Afterschool Care Program (ASCP)
  - Fresh Fruit and Vegetable Program (FFVP)
  - Seamless Summer Option (SSO)

<sup>1</sup> 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))

<sup>2</sup> More specific information on these programs is available at [www.SquareMeals.gov](http://www.SquareMeals.gov).

- School Breakfast Program (SBP)
- Special Milk Program (SMP)

## TDA Resources

TDA provides forms, samples, prototypes, templates, calculation tools, checklists, and worksheets at [www.SquareMeals.org](http://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.

## 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.<sup>3</sup> See the Contact Information for the Texas Department of Agriculture (TDA), Food and Nutrition page at the beginning of this manual 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.

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<sup>3</sup> See the Contact Information for the Texas Department of Agriculture (TDA), Food and Nutrition section for mail, fax, or email information.