

## § 227.31

## 7 CFR Ch. II (1–1–23 Edition)

areas: Elementary or secondary education, but not limited to classroom teaching; foodservice management and training for adults; community nutrition or public health programs; foodservice operations for children; or community action or assistance programs.

(d) *Needs assessment.* Each State agency shall conduct an ongoing needs assessment in accordance with § 227.36. The needs assessment shall be the data base utilized in formulating the State plan for each fiscal year. For the first year of participation a State agency may apply for funds in order to carry out the needs assessment in accordance with § 227.5.

(e) *Developing and submitting the State plan.* Each State agency shall submit to the Secretary a State plan for Nutrition Education and Training in accordance with § 227.37 prior to the beginning of each fiscal year. The date of submission for the State plan shall be designated by the Secretary. The Secretary shall act on the submitted State plan within 60 days after it is received. For the first year of participation the State agency shall submit to the Secretary, within nine months after the award of the planning and assessment grant, a State plan for nutrition education and training in accordance with § 227.37.

(f) *Records and reports.* (1) Each State agency shall maintain full and complete records concerning Program operations and shall retain such records in accordance with 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415.

(2) Each State agency shall submit to FNS a quarterly Financial Status Report, FNS-777, as required 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415.

(3) Each State agency shall submit an annual performance report (Form FNS-42) to FNS within 30 days after the close of the Fiscal Year.

(4) Each State agency shall maintain a financial management system in accordance with 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415.

(5) Each State agency shall comply with the requirements of 2 CFR part 200, subpart D and USDA implementing

regulations 2 CFR part 400 and part 415, for property management and the procurement of supplies, equipment and other services with these Program funds.

(6) Any income accruing to a State or local agency because of the Program shall be used in accordance with 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415.

(g) *Nondiscrimination.* Each State agency shall ensure that Program operations are in compliance with the Department's nondiscrimination regulations (part 15 of this title) issued under title VI of the Civil Rights Act of 1964.

(Approved by the Office of Management and Budget under control number 0584-0062)

[44 U.S.C. 3506; E.O. 12372, July 14, 1982, 47 FR 30959, sec. 401(b) of the Intergovernmental Cooperation Act of 1968 (31 U.S.C. 6506(c))]

[44 FR 28282, May 15, 1979, as amended at 45 FR 14842, Mar. 7, 1980; 47 FR 746, Jan. 7, 1982; 47 FR 22072, May 21, 1982; 48 FR 29123, June 24, 1983; 48 FR 39213, Aug. 30, 1983; 81 FR 66493, Sept. 28, 2016]

### § 227.31 Audits, management reviews, and evaluations.

(a) *Audits.* (1) Examinations by the State agencies in the form of audits or internal audits shall be performed in accord with 2 CFR part 200, subpart F and Appendix XI, Compliance Supplement.

(b) *Management reviews.* The State agency is responsible for meeting the following requirements:

(1) The State agency shall establish management evaluation and review procedures to monitor compliance with the State plan for local educational agencies and land grant colleges, other institutions of higher education and public or private nonprofit educational or research agencies, institutions, or organizations.

(2) The State agency shall require participating agencies to establish program review procedures to be used in reviewing the Agencies operations and those of subsidiaries or contractors.

(c) *Evaluations.* The State agency shall conduct formal evaluations of program activities at least annually. These evaluations shall be aimed at assessing the effectiveness of the various activities undertaken by the State and

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local agencies. State officials shall analyze why some activities have proved effective while others have not and shall initiate appropriate improvements. The results of the evaluations shall be used to make adjustments in ongoing activities and to plan activities and programs for the next year's State plan. The State agency shall submit a plan for evaluation of Program activities as part of the State plan in accordance with § 227.37(b)(14).

(Approved by the Office of Management and Budget under control number 0584-0062)

(44 U.S.C. 3506; E.O. 12372 (July 14, 1982, 47 FR 30959); sec. 401(b) Intergovernmental Cooperation Act of 1968 (31 U.S.C. 6506(c))

[44 FR 28282, May 15, 1979, as amended at 47 FR 746, Jan. 7, 1982; 48 FR 29123, June 24, 1983; 81 FR 66493, Sept. 28, 2016]

### Subpart C—State Coordinator Provisions

#### § 227.35 Responsibilities of State coordinator.

At a minimum, the State Coordinator shall be responsible for:

- (a) Preparation of a budget,
- (b) The conduct of the needs assessment,
- (c) Development of a State plan,
- (d) Implementation of the approved State Plan,
- (e) Evaluation of the progress and implementation of the State Plan,
- (f) Coordination of the Program with the Child Nutrition Programs at the State and local levels,
- (g) Coordination of the Program with other nutrition education and training programs conducted with Federal or State funds,
- (h) Communication of needs and accomplishments of State nutrition education and training programs to parents and the community at large,
- (i) Use of Program funds in compliance with all regulations, instructions, or other guidance material provided by FNS,
- (j) Coordinating the submission and preparation of the Program financial status report (FNS-777), and

(k) Annual evaluation of the effectiveness of the State Plan.

[44 FR 28282, May 15, 1979, as amended at 81 FR 66493, Sept. 28, 2016; 83 FR 14173, Apr. 3, 2018]

#### § 227.36 Requirements of needs assessment.

(a) The needs assessment is an ongoing process which identifies the discrepancies between “what should be” and “what is” and shall be applied to each category listed below to enable State agencies to determine their nutrition education and training needs for each year. The needs assessment shall identify the following as a minimum:

- (1) Children, teachers, and food service personnel in need of nutrition education and training;
- (2) Existing State or federally funded nutrition education and training programs including their:
  - (i) Goals and objectives;
  - (ii) Source and level of funding;
  - (iii) Any available documentation of their relative success or failure; and
  - (iv) Factors contributing to their success or failure;
- (3) Offices or agencies at the State and local level designated to be responsible for nutrition education and training of teachers and school food service personnel;
- (4) Any relevant State nutrition education mandates;
- (5) Funding levels at the State and local level for preservice and inservice nutrition education and training of food service personnel and teachers;
- (6) State and local individuals, and groups conducting nutrition education and training;
- (7) Materials which are currently available for nutrition education and training programs, and determine for each:
  - (i) Subject area and content covered;
  - (ii) Grade level;
  - (iii) How utilized;
  - (iv) Acceptability by user;
  - (v) Currency of materials;
- (8) Any major child nutrition related health problems in each State;
- (9) Existing sources of primary and secondary data, including any data