

C. ELIGIBILITY/AGREEMENTS:

1. Independent, public and private schools and certain Residential Child Care Institutions (RCCI) are eligible to participate in the FDP, if criteria are met. Those SFAs and schools that are eligible to participate are listed below.
 - a. “School” - an educational unit of high school grade or under, operating under public or nonprofit private ownership. The term “high school grade or under” includes classes of primary or higher grade or when they are recognized as part of the educational system in the State, regardless of whether such pre-primary classes are conducted in a school having classes of primary or higher grade. Additionally, schools must be in compliance with civil rights requirements.
 - b. “Commodity School” - a school that does not participate in the NSLP, but operates a nonprofit school food service program under agreement with the KDE.
 - c. “Non-program School” - a school that does not participate in the NSLP or the SBP and not approved as a “commodity school”.

- d. “Residential Child Care Institution” - a 24 hour child care institution eligible to participate in the NSLP and the donated food program if all program criteria is met.
2. Prior to a SFA’s approval to participate in the FDP, the SFA signs an Agreement (Exhibit C-1) which identifies the responsibilities for a SFA to receive donated foods. The agreement shall include, but is not limited to, the following requirements: accountability, storage, use of food and/or disposition of food, and the penalties for misuse of donated foods. Foods will be ordered electronically by following instructions in the ECOS 101 Handbook, which is available on the Food Distribution Website. Refer to the signed Program Administration Agreement at the end of the section for the requirements for FDP participation.
3. The SDA cannot distribute commodities to SFAs until the Kentucky Department of Education; Division of Nutrition and Health Services has confirmed eligibility. It is the responsibility of the SFA to notify the SDA of any changes of Food Service Director or Administrator, including any interim personnel, within fifteen (15 days) of the effective date. SFA must submit the Change of Food Service Director Form (KY-FD-41) or Change of Administrator/Superintendent Form (KY-FD-41A).