

SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)**School Food Service Program**

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch Program, School Breakfast Program and/or Special Milk Program to receive commodities donated by the Department of Agriculture and to accept responsibility for providing free and reduced price meals to elementary students in the schools of the District.

The Superintendent or designee will have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the Reviewing Official and Verification Official or the Office of Temporary and Disability Assistance of the Department of Social Services. Appeals regarding eligibility should be submitted to the Hearing Official of the District.

Free or reduced price meals may be allowed for qualifying students attending District schools upon receipt of a written application from the student's parent/guardian or from the District or upon receipt of a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Applications will be provided by the District to all families.

School officials must also determine eligibility for free/reduced meals and milk by using the Direct Certification Matching Process, a dataset supplied by the Office of Temporary and Disability Assistance, and made available by the State Education Department. Any student receiving federal assistance through Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance to Needy Families (TANF) is automatically eligible for free meals and milk. There is no need for these families to complete further applications. The District will notify parents/guardians of such eligibility, giving them the opportunity to decline free meals and milk if they so choose.

Procedures for the administration of the District's free and reduced price meal program will be the same as those prescribed in current State and federal laws and regulations and will be in accordance with all applicable Board policies and regulations.

The District's meal charge policies and procedures, including this policy, will be distributed to all households and applicable staff in writing at the start of each school year and to new households that transfer into the District during the school year.

Child Nutrition Program

Since the District participates in the Child Nutrition Program, the Board approves the establishment of a system to allow a student to charge a meal.

Meal Charges and Prohibition Against Meal Shaming

This policy establishes procedures for the District to address unpaid meal charges and instances when a student does not have enough funds to pay for a meal in a manner that does not shame or treat the student differently from a student whose parent/guardian does not have unpaid meal fees.

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Free and Reduced Price Meals

The District will administer its free and reduced price meal program in accordance with the applicable State and federal laws and regulations.

Charging Meals

The Board allows students to charge meals and authorizes the Superintendent to develop regulations regarding these charges and regarding unpaid meal charges.

Students who are eligible for a free meal may receive a free lunch of their choice every day. *A la carte* or other similar items must be paid or prepaid.

Students who are eligible for a reduced price meal may receive a lunch of their choice at the District's reduced price meal rate. *A la carte* or other similar items must be paid or prepaid.

Students are allowed to pay for a reduced price or full price meal with cash or with a debit card provided by the District and funded by the student's parent/guardian. After a student's pre-paid account balance has reached zero, the student is allowed to charge a meal of his/her choice of the available reimbursable meal choices for that school day, unless the student's parent/guardian has provided the school with written permission to withhold a meal. These charged meals must be reimbursable meals available to all students and not *a la carte* items, adult meals, snacks or other similar items.

The District's computer-generated point of sale system will identify and record all meal charges and payments.

Parents/guardians may pay for meals in advance via <https://www.mySchoolBucks.com> or with a check made payable to "NHP-GCP UFSD Lunch Fund." Further details are available on the District's website at <https://www.nhp-gcp.org> (click on "Calendars," and then "Lunch Menus"). Funds should be maintained in accounts to minimize the possibility that a child may be without meal money on any given day.

Parent/Guardian Notification and Outreach

- a) The District will discretely notify a student's parent/guardian if the student's pre-paid account balance reaches the value of two meals to give the parent/guardian ample time to replenish the account before going negative.
- b) The District will discretely and promptly notify a student's parent/guardian when the student's pre-paid account has a negative account balance and will thereafter continue to provide the parent/guardian with this notification, along with a statement of the amount due, at regular intervals, as determined by the District, until the account is replenished.
- c) The District will not charge interest or fees in connection with any meals charged.
- d) If a student has a negative balance of five or more meals, the District will (i) discretely notify the student's parent/guardian of the negative balance; (ii) attempt to determine if the student is directly certified to be eligible for free meals; (iii) make at least two documented attempts, in addition to the application and instructions provided in a school enrollment packet, to contact the

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student's parent/guardian to have the parent/guardian complete an application for free and/or reduced price meals; and (iv) contact the parent/guardian to offer assistance with completing an application for free or reduced price meals, to determine if there are any other issues within the household causing the insufficient funds and to offer any other appropriate assistance.

- e) The District will not issue a refund for unused account balances unless the Superintendent determines that there is an extenuating circumstance (for example, a student will receive a refund if the student's account was funded before the student is designated to receive free meals). Parent/guardians will be notified each school year via a letter from the Superintendent reminding them of the District's policy regarding balance refunds so that they are careful not to overfund their accounts.
- f) Students who do not receive reduced price meals may not carryover pre-paid account balances from one school year to the next and, therefore, any unused funds after the conclusion of the school year or after the student graduates or otherwise leaves the District become property of the District. Parents/guardians will be notified each school year via a letter from the Superintendent reminding them of the District's policy regarding balance carryovers so that they are careful not to overfund their accounts.

Unused funds remaining at the end of the school year in the pre-paid account for a student approved for reduced price meals will be carried over to the next school year, unless the District decides to issue the parent/guardian a refund at the conclusion of the school year. A student approved for reduced price meals who has unused funds in the pre-paid account upon the student's graduation from the District's schools or when the student otherwise leaves the District will receive a refund of those unused funds.

- g) The District will carry over unpaid school meal debt from one school year to the next. The District may attempt to collect unpaid school meal debt from a student's parent/guardian and may engage in collection activities, including commencing legal action against the student's parent/guardian. The District will not retain the services of a debt collector, as defined by the federal Consumer Credit Protection Act (15 U.S.C. § 1692a[6]).
- h) If a student repeatedly comes to school without funds in the student's pre-paid account, without a meal provided by the family and without cash to purchase a meal, District administration may take appropriate action, including contacting Social Services.

The District's meal charge policies and procedures, including this policy, will be distributed to all households and applicable staff in writing at the start of each school year and to new households that transfer into the District during the school year.

Minimizing Student Distress or Embarrassment

- a) The District will not publicly identify or stigmatize a student who cannot pay for a meal or who has unpaid meal debt by, for example, discussing outstanding meal debt in the presence of other students or requiring that the student wear a wristband or hand stamp.
- b) The District will not require a student who cannot pay for a meal or who has unpaid meal debt to throw away a meal after it has been served, do chores or work to pay for meals.

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- c) The District will communicate directly with the student's parent/guardian who is responsible for providing funds for meal purchases and will not take any action directed at a student to collect unpaid school meal fees.

Ongoing Eligibility Certification

- a) The District will provide parents/guardians with applications for free and reduced price meals, including instructions on how to complete the applications, at the beginning of each school year in every school enrollment packet or, if the school uses an electronic meal application, the District will include in school enrollment packets an explanation of the electronic meal application process and instructions for how parents/guardians can request a paper application at no cost.
- b) The District will conduct direct certification, which may be with NYSSIS or the NYSD Roster Upload, at least three times per year.
- c) The school liaison(s) or coordinator(s) for homeless, foster and migrant students will coordinate with the District's Cook Manager to ensure that these students receive free school meals in accordance with federal law.
- d) If the District becomes aware that a student for whom a meal application has not been submitted is eligible for free or reduced price meals, the District will complete and file an application for the student in accordance with federal law. The District will use this administrative prerogative judiciously and only after a student has accrued at least five unpaid meal charges and after the District has used exhaustive efforts to obtain a completed application from the parent/guardian, including those efforts set forth above in paragraph "d" under "Parent/Guardian Notification and Outreach."

Staff Training

All relevant District staff, including food service staff members, who have responsibilities pursuant to this policy will be trained on an annual basis on the provisions of this policy and on all other related Board policies and regulations to ensure that this policies and all related Board policies and regulations are carried out correctly. This training will include ongoing eligibility certification for free or reduced price meals and the manner in which parents/guardians will be provided with assistance in establishing eligibility for free or reduced-price meals for their children. This training may be conducted through the NYSED Webinar.

Prohibition Against Adults Charging Meals

Adult sales may only take place if the District obtains a sales tax identification number.

Restriction of Sweetened Foods in School

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

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Sweetened foods consist of sweetened soda water, chewing gum, candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices except those which contain fruit or fruit juices.

Restrictions on Sale of Milk Prohibited

Schools that participate in the National School Lunch Program may not directly or indirectly restrict the sale or marketing of fluid milk products at any time or in any place on school premises or at school-sponsored events.

Food Substitutions for Children with Disabilities

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including the school nutrition programs. The District will make reasonable accommodations to those children with disabilities whose disabilities restrict their diets, such as providing substitutions and/or modifications in the regular meal patterns. Such meal substitutions for students with disabilities will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement signed by a physician attesting to the need for the substitutions and recommending alternate foods.

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a physician's written instructions.

Food Substitutions for Nondisabled Children

Though not required, the District will also allow substitutions for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

HACCP-Based Food Safety Program

Schools participating in the National School Lunch and/or School Breakfast programs are required to implement a food safety program based on Hazard Analysis and Critical Control Point (HACCP) principles. The District must develop a written food safety program for each of its food preparation and service facilities that is based on *either* traditional HACCP principles *or* the "Process Approach" to HACCP. (The "Process Approach" simplifies traditional HACCP by grouping foods according to preparation process and applying the same control measures to all menu items within the group, rather than developing an HACCP plan for each item.) Regardless of the implementation option that is selected, the District's written food safety program must also include: critical control points and

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critical limits; monitoring procedures; corrective actions; verification procedures; recordkeeping requirements; and periodic review and food safety program revision.

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265

Child Nutrition Act of 1966, 42 USC Section 1771, *et seq.*

Richard B. Russell National School Lunch Act 1946, 42 USC Section 1751, *et seq.*

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794, *et seq.*

Individuals with Disabilities Education Act (IDEA), 20 USC Sections 1400-1485

15 USC Section 1692a(6)

7 CFR Parts 15B, Part 210 and 220

Education Law Sections 902(b), 908, 915, 918, 1709(22) and 1709(23)

8 NYCRR Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 11/10/08

Revised: 12/12/11; 6/8/15; 6/12/17