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| Book    | Policy Manual             |
| Section | 8000 Operations Templates |
| Title   | FOOD SERVICES KMK 2-17-26 |
| Code    | po8500                    |
| Status  | Up for Revision           |

#### 8500 - **FOOD SERVICES**

The Board shall provide cafeteria facilities in all school buildings where space permits, and will provide food service for the purchase and consumption of lunch for all students.

This policy only applies to those schools in the District that participate in the National School Lunch Program (NSLP). Schools that do not participate in the NSLP shall abide by all applicable State and Federal regulations. **[END OF OPTIONAL PARAGRAPH]**

The Board shall also provide a breakfast program in accordance with procedures established by the United States Department of Agriculture (USDA) School Breakfast Program. **[END OF OPTIONAL PARAGRAPH]**

The food-service program ( ) shall participate ( ) may participate **[END OF OPTION]** in the Farm to School Program using locally grown food in school meals and snacks. **[END OF OPTIONAL PARAGRAPH]**

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages, including but not limited to the current USDA school meal pattern requirements and the USDA's Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. Further, the food-service program shall comply with Federal and State regulations pertaining to the fiscal management of the program as well as all the requirements pertaining to food service hiring and food service manager/operator licensure and certification. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

The District's food service program shall serve only food items and beverages determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Any competitive food items and beverages that are available for sale to students a la carte in the dining area between midnight and thirty (30) minutes following the end of the school day shall also comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8550 - Competitive Food Sales. Foods and beverages not associated with the food-service program may be vended in accordance with the rules and regulations set forth in Board Policy 8540 - Vending Machines.

The District Administrator will require that the food service program serve foods in the schools of the District that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The District Administrator shall provide the District's vendors and/or Food Service Management Contractor a copy of this policy and any implementing guidelines and that any pertinent agreements are consistent with this policy and any implementing guidelines. **[END OF OPTION]**

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

**Dietary Modifications [DRAFTING NOTE: This section contains three (3) categories of circumstances in which a student may receive a modified meal. The first category "Compliant Medical Documentation" is mandatory; whereas the second two (2) categories, i.e., "Noncompliant Medical Requests" and "Requests Not Based on a Medical Statement", are optional. The Board may choose either or neither of the two (2) optional categories.]**

### **Modifications Based on Compliant Medical Documentation**

An adult student or student's parent requesting special dietary accommodations for a student with a disability that restricts the diet must provide the Medical Statement for Special Dietary Needs signed by a State authorized medical authority, which is a medical professional authorized in the State of Wisconsin to write prescriptions. The request must contain the following information ( ) and must be submitted on DPI Form PI-6314, Medical Statement for Special Dietary Needs **[End of Option]:**

- A. an explanation of how the student's physical or mental impairment restricts the diet;
- B. the food(s)/type(s) of foods to be avoided;
- C. the food(s)/type(s) of foods to be substituted;
- D. additional pertinent information, if any, that will assist in accommodating the student's needs.

If a Medical Statement for Special Dietary Needs is incomplete, unclear, or lacks sufficient detail, the Special Dietary Accommodation Coordinator or Food Service Director shall request that the student or parent/guardian request that the medical authority supplement the response so that a safe meal can be provided. In situations where a medical statement or Individual Education Plan (IEP) is not immediately available, is incomplete, or requires additional clarification, the meal modification should still be made if there is enough information to provide a safe meal.

A special dietary accommodation for a student who has a disability that restricts the student's diet must be supported by a Medical Statement for Special Dietary Needs, which should be submitted to (x) the Food Service Director who shall serve as the Special Dietary Accommodation Coordinator (x) the Special Dietary Accommodation Coordinator **[END OF OPTION]**, whose contact information is \_\_\_\_\_ Melanie Davis 715-986-4470 ext 2115 \_\_\_\_\_. **[insert name, address, phone, email address.] [DRAFTING NOTE - at least one person must be identified as responsible for coordinating compliance with disability-based dietary modifications per 7 C.F.R. Part 15b.6.]**

A student with a disability may have an IEP or 504 plan that requires specific instruction, services, or accommodation related to the student's nutritional needs. If a student's IEP or 504 plan contains the same information that is required on a Medical Statement for Special Dietary Needs, then it is not necessary to obtain and submit a separate Medical Statement for Special Dietary Needs. Form PI-6314 can be obtained from the Department of Public Instruction (<https://dpi.wi.gov/sites/default/files/imce/forms/pdf/f6314-english.pdf>) ( ) or upon request to the District's Food Service Director or Special Dietary Accommodation Coordinator **[END OF OPTION]**.

The individual making an initial request for such substitutions must inform the Food Service Director or Special Dietary Accommodation Coordinator that the student has a disability that restricts the student's diet. The School District will honor the request upon receipt of the required documentation from a State authorized medical authority. In situations where a medical statement or IEP is not immediately available, is incomplete, or requires additional clarification, USDA regulations require that the meal modification still be made if there is enough information to provide a safe meal. If the Special Dietary Accommodation Coordinator is unable to grant a requested accommodation following receipt of the medical authority's statement, the student or parent shall be provided with an explanation of the basis for the decision. Compliant requests shall be immediately implemented.

### **Disability Accommodation Grievance Procedure**

The following procedure is intended to provide prompt and equitable resolution to any concern or disagreement regarding the food service program's administration of meal modifications made or requested on the basis of a student's disability. None of the procedures described in this policy section shall prevent a student or parent from pursuing a complaint with any State or Federal agency, including the USDA, using the procedures described at the end of this policy.

- A. If an initial request for accommodation in the form of substituted meals is denied, the student or parent may request review of that decision by the (x) Building Principal ( ) District's Compliance Coordinator ( ) District Administrator ( ) \_\_\_\_\_ **[End of Options] [DRAFTING NOTE: the grievance procedure can be designed as appropriate for each District]** and shall provide any communications between the student or parent and food service officials concerning the accommodation request, any documentation provided by a medical authority, and any additional information the student or parent believes is pertinent to the decision. A review of the

materials provided and of the initial decision shall be completed, and a response provided to the student or parent as soon as practicable following receipt of the request for review. If the initial decision is reversed, including due to additional information provided on review, the dietary accommodations shall be implemented without delay. If the initial decision is affirmed (  ) the decision is final (  ) the decision may be appealed to the District Administrator whose decision is final (  ) \_\_\_\_\_ **[End of Options]**.

- B. Any other complaint or disagreement with the food service administration concerning implementation of special dietary accommodations based on a student's disability shall be presented to the Special Dietary Accommodation Coordinator. The student or parent shall specify the nature of the concern and any requested remedy in writing. The Coordinator shall promptly review the grievance and either contact the student or parent for any required clarification of the request or to seek to reach an agreement regarding how to best address the concern. If no agreement is reached, the Coordinator shall make a determination and notify the student or parent in writing as soon as practicable. If the grievance is affirmed in any respect, the Coordinator shall propose a plan for implementing appropriate remedial measures. If the student or parent is dissatisfied with the Coordinator's determination, the student or parent may submit a written request to the Building Principal or District Administrator for review. The administrator's determination shall be final.

**[Optional Provision - for medical statements not compliant with 7 C.F.R. Part 15b]**

**] Modifications Based on Noncompliant Medical Requests**

On a case-by-case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who provide a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs, but which does not comply with the requirements above. To qualify for such consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student's diet; and
- B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

**[End of Option]**

**[Optional Provision - Based on preferences with no medical documentation] [DRAFTING NOTE: If the Board chooses to include this category of modification, it must also choose among the options below.]**

**[  ] Modification Based on Student/Parental Preference**

When a request for a special dietary accommodation is not supported by an authorized Medical Statement for Special Dietary Needs or included in a student's IEP or 504 plan, the School District cannot provide modified meals that are not in compliance with USDA Child Nutrition Program requirements. However, the Board authorizes the following:

**A. [  ] Fluid Milk Substitution [If Selected Choose One]**

1. [  ] The School District shall have no legal obligation to accommodate a student's or a parent's preference for a fluid milk substitute if there is no Medical Statement for Special Dietary Needs on file requiring such a substitute. However, the District will assist the student in choosing a reimbursable meal through offer versus serve (OVS). **[DRAFTING NOTE: This gives students the ability to decline some of the food options offered as part of the reimbursable meals. For example: 5 components need to be offered and students need to take 3 options. They can decline milk for example, and it is still a reimbursable meal. The intent is to give students a choice and avoid food waste. Schools have the ability whether or not they use OVS.]**
2. [  ] The School District shall offer a Federally approved milk substitute with a written and signed request from a parent that identifies the reason for the special dietary accommodation.

**B. [  ] Religious Reason [If Selected Choose One]**

1. [  ] The School District shall have no legal obligation to accommodate a student's or parent's request for accommodations based on religious requests. However, the District will assist the student in choosing a reimbursable meal through offer versus serve (OVS).
2. [  ] The School District will provide substitutions based on religious requests to any student, for any religious reason with a written and signed request by a parent that identifies the reason for the accommodation. A

substitution for a religious request must meet USDA Child Nutrition Program meal pattern requirements.

**C.  General Dietary Preference  [If Selected Choose One]**

1.  The School District shall have no legal obligation to accommodate a student's or parent's general health, nutrition, or food preferences. However, the District will assist the student in choosing a reimbursable meal through offer versus serve (OVS).
2.  The School District will provide substitutions based on lifestyle preferences to any student with a written and signed request by a parent that identifies the reason for the accommodation. A substitution for a personal request must meet USDA Child Nutrition Program meal pattern requirements.

**[END OF OPTIONS]**

**IMPLEMENTATION AND DISCONTINUATION**

**Review**

Upon receipt of a request for a special dietary accommodation, the Food Service Director or Special Dietary Accommodation Coordinator shall review the request to ensure it is supported as required by Federal law and District policy and if not, shall request additional or clarifying information from the student or parent making the request.

**Implementation**

When the need for a special dietary accommodation is supported by a Medical Statement for Special Dietary Needs signed by a State authorized medical authority, the District will offer a reasonable modification that effectively accommodates the student's disability. Following USDA Child Nutrition Program regulations, the School District may consider factors such as cost and efficiency and is not required to prepare a specific meal, provide a specific brand of food, or provide a meal beyond the meals provided to other students.

For students who have an IEP or 504 plan that requires specific food related accommodations, the School District shall provide the accommodation as required by law, seeking clarifying medical information, as necessary.

A special dietary request will be approved and implemented upon submission of a completed authorized medical statement. In situations where a medical statement or IEP is not immediately available, is incomplete, or requires additional clarification, USDA regulations require that the meal modification still be made if there is enough information to provide a safe meal.

**Student Absence**

If a student receiving a special dietary accommodation is absent or does not wish to participate in school lunch on a day an accommodation is planned, the student or parent shall contact the Special Dietary Accommodation Coordinator by 9:00 a.m. **[or enter a time]** the same day.

**Renewing A Special Dietary Request**

An authorized Medical Statement does not need to be updated annually. However, the Special Dietary Accommodation Coordinator may annually seek clarification or updates on special dietary requests.

**Discontinuation of a Special Dietary Request**

A special dietary request or part of a request may be discontinued by a parent by submitting the request in writing to the Special Dietary Accommodation Coordinator or shall be discontinued consistent with the medical authorities recommendation provided with the Medical Statement for Special Dietary Needs.

**Meal Charges**

Lunches sold by the school may be purchased by students and staff members and community residents in accordance with the rules of the District's school lunch program.

The operation and supervision of the food-service program shall be the responsibility of the \_\_\_\_\_. Food services shall be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program.

A periodic review of the food-service accounts shall be made by the \_\_\_District Administrator\_\_\_\_\_. Any surplus funds from the National School Lunch Program shall be used to support the operation and improvement of the school meal program(s) through allowable expenditures as determined by the ( **x** ) District Administrator ( ) Board [END OF OPTION]. Surplus funds from a-la-carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.

### Unpaid Meal Charges

Unpaid meal charges incurred through the inability to collect meal payment from students is an unallowable cost to the nonprofit school food service account.

Delinquent debt is when payment for unpaid meal charges is overdue to the nonprofit school food service account. It is considered collectable while efforts are being made to collect it. The delinquent debt remains on the accounting documents until it is either collected or written off. Delinquent debt may be carried over year to year as long as the student is still enrolled at the school food authority (SFA).

Bad debt is when local officials have determined that further collection efforts of unpaid meal charges are uncollectable. When this happens, the delinquent debt must be re-classified as bad debt and written off as an operating loss. Since the nonprofit school food service account cannot be used to cover the bad debt, a transfer from the general fund, state or local funds, school or community organizations such as the PTA or from donated funds must be made to cover the total amount of bad debt. When delinquent debt is converted to bad debt, records of this must be kept in accordance with the records retention requirement in 7 CFR 210.9(b) (17) and 7 CFR 210.15(b).

Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable. District efforts to collect bad debt shall be in accordance with Policy 6152 - Student Fees, Fines, and Charges.

### Negative Account Balances

**[DRAFTING NOTE: USDA regulations allow for local control with respect to permitting negative meal account balances, including prohibiting it altogether. The Wisconsin Department of Public Instruction's current position is that it does not intend to issue model policy language or guidelines concerning this issue. As a practical matter, a hard-line rule prohibiting any negative account balances is not recommended. Rather, permitting some limited negative balances to occur, while placing some restrictions on those situations, is likely the most appropriate. Nonetheless, this first option recognizes that each School District does have the choice to prohibit a negative balance without any exceptions].**

#### **x ] OPTION #1**

No student will be permitted to purchase any meals for which the student does not have sufficient balance in their food service account or sufficient cash on hand to purchase the food items.

Students receiving paid or reduced-price lunch who do not have sufficient account balance or cash on hand to purchase a meal ( ) will not be provided an alternate meal ( **x** ) will be provided an alternate meal. [END OF OPTION] The District Administrator shall, in coordination with the District's food service, assure that any alternate meals that are provided meet the requisite USDA guidelines for alternate meals. The cost of the alternate meal will be added to the delinquent account.

#### **[ ] OPTION #2**

Students will be permitted to purchase meals from the District's food service using either cash on hand or a food service account. A student may be allowed to incur a negative food service account balance subject to the following conditions.

Students may be permitted to accumulate negative food service account balance ( ) not to exceed \$\_\_\_\_\_ ( ) not to exceed an amount equal to one school week of regular meal price [END OF OPTIONS]. ( ) Students up to grade 8 will be allowed to incur a negative balance not to exceed \$\_\_\_\_\_. [END OF OPTIONAL SENTENCE] [DRAFTING NOTE: **The Board may establish a different permissible negative balance for elementary grades to account for the students' lower level of responsibility for managing these accounts at the younger grade levels.**] A student ( ) shall be ( ) shall not be [END OF OPTION] permitted to purchase a la carte items without sufficient account balance or cash on hand. ( ) Likewise, any student that has a negative account balance may not purchase a la carte items with cash unless the student is also able to bring their account current.

A student who has exceeded the permissible negative balance amount in their account and does not have cash on hand sufficient to purchase a meal will be treated respectfully. The District will provide meals to students with unpaid meal balances without stigmatizing them, will provide parents of students who charge meals with notification when a student charges a meal, and will make efforts to collect the charges incurred by the students.

**[Option A]**

If a student has reached the permissible level of negative lunch account balance, they shall be provided a regular reimbursable meal that follows the USDA meal pattern, the cost of which shall continue to accrue to a negative lunch account balance.

**[End of Option A]**

**[Option B]**

If a student has a significant negative lunch account balance, they shall be provided an alternate meal ( ) at a reduced price recommended by the District Administrator and approved by the Board **[END OF OPTION]**, the cost of which shall continue to accrue to a negative lunch account balance, and the student's parent(s) shall be contacted to collect the outstanding charges. The alternate meal will be a low-cost alternative to the regular reimbursable meal and shall meet USDA nutritional standards or the Smart Snacks in Schools Regulations so that it qualifies for reimbursement under the National School Lunch/Breakfast Program.

**[End of Option B]**

**[END OF OPTIONS]**

All households shall be notified about this policy and any implementing guidelines at the start of each school year and to households transferring to the school or School District during the school year, as well as informed about access to this policy and any implementing guidelines. All District staff with responsibility for enforcing the policies shall be notified about the provisions of this policy and any implementing guidelines, as well as provided access to this policy and any implementing guidelines. **(x)** The policy and guidelines will be posted on the District website.

**[Drafting Note: posting to the website is not sufficient to meet the notice requirement, but could be supplemental]**

**Nondiscrimination Statement**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf> or <https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/sfa-civil-rights-complaints-procedure-template.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. Mail:

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or

2. Fax:

(833) 256-1665 or (202) 690-7442; or

3. E-mail:  
program.intake@usda.gov.

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Legal

SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

SP 59-2016 Modifications to Accommodate Disabilities in the School Meal Program

OMB Circular No. A-87 USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)

Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.

Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.

42 U.S.C. 1758

15.137, Wis. Stats.

93.49, Wis. Stats.

115.34 - 115.345, Wis. Stats.

120.10(16), Wis. Stats.

120.13(10), Wis. Stats.

7 C.F.R. Part 15b

7 C.F.R. Part 210

7 C.F.R. Part 215

7 C.F.R. Part 220

7 C.F.R. Part 225

7 C.F.R. Part 226

7 C.F.R. Part 227

7 C.F.R. Part 235

7 C.F.R. Part 240

7 C.F.R. Part 245

42 U.S.C. Chapter 13