

# Three Rivers School District

8550 New Hope Rd • PO Box 160 • Murphy, OR 97533

Policy: EFAA - AR

Adopted: 11/17/08

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## **CHILD NUTRITION PROGRAMS – REIMBURSEABLE SCHOOL MEALS AND MILK PROGRAM**

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~~The district participates in the National School Lunch, School Breakfast and Commodity Food Distribution programs.~~

~~**For senior high school students:** Lunch shall be an offer versus serve program. Breakfast shall be offer versus serve.~~

~~**For students below senior high school level:** Lunch shall be an offer versus serve program. Breakfast shall be an offer versus serve program.~~

~~Under offer versus serve meals will be counted for reimbursement only when:~~

- ~~1. **Under nutrient standard menu planning**, students take at least an entree and one other menu item for lunch and at least two different menu items for breakfast.~~

~~In complying with state and federal laws and regulations, guidance and instruction relating to such services, the district shall:~~

- ~~1. Complete a permanent program agreement with the Oregon Department of Education (ODE). An update of program information will be submitted annually;~~
- ~~2. Designate an employee(s) of the district to determine eligibility for free and reduced-price meals;~~
- ~~3. Use the current federal income guidelines to determine eligibility;~~
- ~~4. Distribute to each student's parents or guardians the sample program letters and confidential application forms as provided by the ODE or develop its own materials. If the district develops its own materials, the parent or guardians letter and confidential application form for free and reduced price meals and free milk will be submitted for ODE approval before printing and distribution. The letter and application shall be distributed no later than the first week of the school year;~~
- ~~5. When a significant number of the district population need information in a language other than English, the district will provide program materials in the appropriate language(s) as translation services are available from ODE;~~
- ~~6. Establish a fair hearing process under which a household can appeal an eligibility decision made by the district;~~

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<sup>1</sup>School districts may choose any combination of offer versus serve or non offer versus serve under all menu planning options. Modify policy as necessary if number of lunch food items offered for students below senior high school level varies from building to building.

<sup>2</sup>As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency depends on evaluation of those factors and a power of attorney executed

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(continued)*

pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, and adult student to whom rights have transferred and foster parent as defined in OAR 581-015-0005 (18).

- ~~7. Display in a prominent place the nondiscrimination poster developed by the United States Department of Agriculture (USDA), Food and Nutrition Service. Additionally, the district will ensure that all forms of communication and printed program information that are disseminated, especially the free and reduced-price notification letter, application forms and public releases, include the following:
  - ~~a. A statement that program benefits and services are available to all students without regard to race, color, sex, disability, age or national origin; and~~
  - ~~b. Notification that discrimination complaints are to be directed to a building administrator. All complaints will be documented and referred by the district to the ODE, Child Nutrition Programs;~~~~
- ~~8. Develop a collection procedure and accountability system that meets federal program requirements;~~
- ~~9. Comply with sanitation rules and guidelines for school food services as promulgated by state and local health divisions;~~
- ~~10. Offer meals to students that meet nutrition standards as specified in federal regulations, 7 CFR 210.10 and 220.8, and that meet recommendations of the most current Dietary Guidelines for Americans;~~
- ~~11. Select one of the USDA approved menu planning options to provide nutritious, well-balanced meals to students as defined by 7 CFR 210.10 and 220.8;~~
- ~~12. Price all reimbursable meals as a unit;~~
- ~~13. Make substitutions in food items/menu items required for students who have disabilities, as defined by 7 CFR 15b and whose disability restricts their diet, when supported by a signed medical statement by a physician of the need for substitutions that includes recommended alternate foods. Substitutions may be made for other students with special dietary needs when supported by a signed statement by a recognized medical authority (i.e., physician, physician's assistant, nurse practitioner or registered dietitian);~~
- ~~14. Control the sale of foods in competition with breakfasts and lunches served under the programs. Foods of Minimal Nutritional Value, as described in 7 CFR 210 Appendix B, shall not be sold in the food service area(s) during the lunch or breakfast periods. The sale of other competitive foods may be sold during the lunch or breakfast periods only when all income from the sale of those foods accrues to the benefit of the nonprofit school food service program or to a school or student organization approved by the Board.~~

Any policy or procedural change made by the district will be submitted, prior to implementation, to the ODE, Child Nutrition Programs. All changes in eligibility criteria must be publicly announced in the same manner used at the beginning of the school year.

The district shall serve as the school food authority (SFA)<sup>3</sup>. The superintendent or designee shall serve as the legal representative of the SFA.

END OF POLICY

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Legal Reference(s):

ORS 109.056  
ORS 125.005(4)

ORS 125.300-125.325  
ORS 327.520 – 327.535

OAR 581-015-0005(18)  
OAR 581-051-0100  
OAR 581-051-0305  
OAR 581-051-0310  
OAR 581-051-0400

~~Nondiscrimination on the Basis of Handicap in Programs and Activities, 7 CFR Part 15b (2000).  
National School Lunch Program, 7 CFR Part 210 (2000).  
Special Milk Program for Children, 7 CFR Part 215 (2000).  
School Breakfast Program, 7 CFR Part 220 (2000).  
Determining Eligibility for Free and Reduced Price Meals and Free Milk, 7 CFR Part 245.8 (2000).  
Uniform Federal Assistance Regulation, 7 CFR Part 3015 (2000).  
Eligibility Guidance for School Meals Manual, FNS-274, United States Department of Agriculture.~~

The district's nutrition and food services will be operated in accordance with the following requirements:

### **Meal Pricing Procedures**

1. The district may operate the Special Milk Program (SMP) at schools where students do not have access to program meals. Under SMP, the district will choose one of the following options:
  - a. Nonpricing (serve SMP milk at no charge to all students);
  - b. Pricing programs without a free option (charge all students for SMP milk); or pricing programs with a free option (distribute confidential applications for free milk and charge only those students for SMP milk who do not qualify for free milk based on the household's application or direct certification from Adult and Family Services (AFS)).
2. Reimbursable meal will be priced as a unit.
3. Reimbursable meal will be served free or at a reduced price to all children who are determined by the district to be eligible for free or reduced price meals.
4. Annually, the district will establish prices for reimbursable student meals. The price charged to students who do not qualify for free or reduced price meals will be established annually by the district in compliance with state and federal laws.<sup>1</sup>
5. The price charged to students who qualify for reduced price meals will be established annually by the district in compliance with state and federal laws.<sup>1</sup>

### **Application Procedures**

6. Households receiving food stamps or Temporary Assistance to Needy Families (TANF) benefits, as identified by Oregon Department of Education (ODE), will be automatically eligible for free meals for the students listed on the official document.

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<sup>1</sup>For meals with portion sizes equivalent to student meals, the adult meal price will be no less than the amount of reimbursement for a free eligible meal, plus the value of commodity foods used in the meal preparation. The new requirement under Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. 1751 §§ 205 establishes new criteria for equity in school lunch pricing.

7. Households that submit, within 10 days of receipt, a confidential application will be notified of their student's eligibility for free or reduced price meals. Households that are denied free or reduced price benefits will be notified in writing using the Oregon Department of Education (ODE) template letter distributed to the district annually.
8. On a case-by-case basis, when a student is known to be eligible for free or reduced price meal benefits and the household fails to submit a confidential application, the superintendent or homeless advocate may complete an application for the student documenting how he/she knows the household income qualifies the student for free or reduced price meal benefits. Parents of a student approved for free or reduced price benefits, when application is made for the student by a school official, will be notified of the decision in writing and given the opportunity to decline benefits.
9. Students who do not qualify for free or reduced price meals are eligible to participate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and will be charged "paid" meal prices set by the district. "Paid" category students will be treated equally to students receiving free or reduced price benefits in every aspect of the district's NSLP and SBP.
10. The district has established a fair hearing process under which a household can appeal a decision with respect to the household's application for benefits or any subsequent reduction or termination of benefits.
11. In the event of major employers contemplating large layoffs in the attendance area of the district, the district will provide confidential applications and eligibility criteria for free and reduced price meals to the employer for distribution to affected employees.

#### **Financial Management of the Nonprofit School Food Service**

1. The district will maintain a nonprofit school nutrition and food service operation.
2. Revenues earned by the school nutrition and food services will be used only for the operation or improvement of NSLP and SBP.
3. Lunch and breakfast meals served to teachers, administrators, custodians and other adults not directly involved with the operation of the district's nutrition and food services will be priced to cover all direct and indirect cost of preparing and serving the meal.<sup>2</sup>
4. District nutrition and food services revenues will not be used to purchase land or buildings.
5. The district will limit its nutrition and food services net cash resources to an amount that does not exceed three months average expenditures.
6. The district will maintain effective control and accountability for, and adequately safeguard, all nutrition and food services' cash, real and personal property, equipment and other assets, and ensure they are used solely for nutrition and food services purposes.
7. The district will meet the requirements for allowable NSLP and SBP costs as described in Office of Management and Budget (OMB) circular A-87.
8. In purchasing nutrition and food services goods or services, the district will not accept proposals or bids from any party that has developed or drafted specifications, requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions or other documents for proposals used to conduct the procurement.

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<sup>2</sup>For meals with portion sizes equivalent to student meals, the adult meal price will be no less than the amount of reimbursement for a free-eligible meal, plus the value of commodity foods used in the meal preparation.

9. All procurement transactions for nutrition and food services goods and services will be conducted according to state, federal and district procurement standards using the applicable cost thresholds.
10. In the operation of its nutrition and food services program, the district will purchase food products that are produced in the United States, whenever possible.
11. The district may use facilities, equipment and personnel supported with nutrition and food services revenue to support a nonprofit nutrition program for the elderly.

### **Civil Rights and Confidentiality Procedures**

1. The district will not discriminate against any student because of his/her eligibility for free or reduced price meals.
2. The district will not discriminate against any student or any nutrition and food services employee because of race, color, national origin, sex, sexual orientation, religion, age or disability.
3. The district will assure that all students and nutrition and food services employees are not subject to different treatment, disparate impact or a hostile environment.
4. Established district procedures will be followed for receiving and processing civil rights complaints related to applications for NSLP and SBP benefits and services, and employment practices with regard to the operation of its NSLP and SBP. The district will forward any civil rights complaint regarding the district's nutrition and food services to ODE's civil rights coordinator within three days of receiving the complaint.
5. The district will make written or oral translations of all nutrition and food services materials available to all households who do not read or speak English.
6. The district will maintain strict confidentiality of all information on the confidential application for free and reduced price meals including students' eligibility for free or reduced price meals and all household information. The district's NSLP and SBP operators are not required to release any information from a student's confidential application for free or reduced price meals. No information may be released from a student's confidential application for free or reduced price meals without first obtaining written permission from the student's parent or legal guardian/adult household member signing the application, except as follows:
  - a. An individual student's name and eligibility status may be released without written consent only to persons who operate or administer federal education programs; persons who operate or administer state education or state health programs at the state level; persons evaluating state, education assessment; or persons who operate or administer any other NSLP, SBP, SMP, Summer Food Service Program (SFSP), Child and Adult Care Food Program (CACFP) or the Food Stamp Program;
  - b. Any other confidential information contained in the confidential application for free and reduced price meals (family income, address, etc.) may be released without written consent only to persons who operate or administer NSLP, SBP, SMP, CACFP, SFSP and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); the Comptroller General of the United States for audit purposes; and federal, state or local law enforcement officials investigating alleged violation of any of the programs listed above.

### **Nutrition and Menu Planning<sup>3</sup>**

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<sup>3</sup>Schools may plan menus using one of the approved United States Department of Agriculture (USDA) menu planning approaches (e.g., Traditional Food-Based Menu Planning, Enhanced Food-Based Menu Planning, Nutrient Standard Menu Planning and Assisted Nutrient Standard Menu Planning). Additional details are available at the Oregon Department of Education, Child Nutrition Programs.

1. Meals and snacks served for reimbursement will meet all USDA Meal Guidelines of the most current Dietary Guidelines for Americans.
2. Meals served for reimbursement will meet at least the minimum NSLP and SBP requirements for food item and quantities<sup>4</sup>.
3. Meals served for reimbursement will:
  - a. Meet at least the minimum nutrient standards set by the Healthy and Hunger Free Kids Act (HHFKA)
  - b. Meet the maximum standards set for total fat and saturated fat; and
  - c. Offer less sodium and cholesterol and increase the level of dietary fiber over time. The district will use a USDA-approved menu planning approach to plan meals and snacks claimed for reimbursement.
4. The menu planning approach selected by the district to be used in all schools under its jurisdiction is [traditional food based] [enhanced food based] [nutrient standard menu planning] [assisted nutrient standard menu planning].
5. The district will use the offer versus serve option when serving NSLP lunches to senior high school students. High school students must take at least three of five different food items<sup>3</sup> [an entree and one other menu item<sup>4</sup>] offered in program lunches.
6. A copy of the Board minutes adopting the offer versus serve policy for students below high school grades for program lunches and/or for all students in the district for program breakfasts, as applicable, will be made available upon request.<sup>5</sup>

#### **Use and Control of Commodity Foods**

7. The district will accept and use commodity foods in as large a quantity as may be efficiently utilized in the reimbursable lunch and breakfast program.
9. The district will maintain necessary safeguards to prevent theft or spoilage of commodity foods.
10. The value of commodity foods used for any food production other than NSLP, SBP or snacks shall be replaced in the food service inventory.

#### **Accuracy of Reimbursement Claims**

1. The district will claim reimbursement only for reimbursable meals served to eligible children.
2. All meals claimed for reimbursement will be counted at each dining site at a “point of service” where it can be accurately determined that the meal and snack meets NSLP requirements for reimbursement.
3. The person responsible for determining reimbursability of meals will be trained to recognize a reimbursable meal under the menu planning approach used at the school.
4. The district official signing the claim for reimbursement will review and analyze monthly meal counts to ensure accuracy of the claim, before submitting the claim to ODE.
5. Annually, by November 15, the district will verify a random sample of applications according to NSLP verification requirements. Instructions for completing the verification process will be sent by ODE to the district in October each year.

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<sup>4</sup>This option is used for districts using traditional or enhanced food-based menu planning.

<sup>5</sup>Modify the language of this item to be reflective of the options the district has selected for offer versus serve.

### **Food Safety and Sanitation Inspections**

6. The district will maintain necessary facilities for storing, preparing and serving food and milk.
7. Semi-annually, the district will schedule food safety inspections with the county Environmental Health Department or Oregon Department of Human Resources for each school or dining site under its jurisdiction.
8. The district will maintain health standards in compliance with all applicable state food safety regulations at each school or dining site under its jurisdiction.

### **General USDA NSLP/SBP/SMP Requirements**

1. The district will ensure that no student is denied a meal as a disciplinary action.
2. Breakfast will be served in the morning hours, at or near the beginning of the student's school day.
3. Lunch will be served between the hours of 10 a.m. and 2 p.m.
4. The district will provide substitute foods for students who are determined by a licensed physician to be legally disabled and whose disability restricts their diet. Substitutions will be provided only when a medical statement from the licensed physician is on file at the school and the nutrition services office. The medical statement must state the nature of the child's disability and how the disability affects the child's nutrition needs, and it must provide a medical prescription for substitute foods or texture modification. The district will not charge more than the price of the school meal, as determined by the child's eligibility status, for substitute meals or foods.
5. Households will be notified in writing of the following requirements regarding missing or stolen meal tickets:
  - a. A minimum of three ticket replacements per year will be made as a result of lost or stolen tickets;
  - b. One advance written warning will be given to the student's household after the third lost or stolen ticket incident;
  - c. The warning will state that the next time the student fails to have a ticket, he/she must either bring a meal from home or pay full price for the meal;
  - d. For the reason of a lost or stolen ticket, meals will not be denied to preprimary and young primary students or disabled students who are unable to take full responsibility for their meal ticket(s).
6. The district will control the sale of the following foods of minimal nutritional value (FMNV): carbonated beverages, water ices, chewing gum, hard candy, jelly and gum candies, marshmallow candy, fondant (candy corn-type), licorice, cotton candy and candy-coated popcorn.
7. The district will ensure that soda pop vending machines and sales of other FMNV will not be allowed in any school's dining site(s) during the time(s) when NSLP lunch meals or SBP breakfast meals are served or eaten. Dining sites are cafeterias and any other place where NSLP lunch meals or SBP breakfast meals are served or eaten.
8. The district will ensure that potable [drinking] water will be available to students, free of charge for consumption in the place where meals are served during meal service.<sup>6</sup>
9. The district will notify all households of its meal charge requirements early in the school year. The district's meal charging requirements are as follows:

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<sup>6</sup>New requirement under Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. 1751 §§ 203.

A charge account for students paying full or reduced price for meals may be established with the district. Elementary and middle school students may charge no more than three meals. High school students will not be allowed to charge meals. Any student failing to keep his/her account current as required by the district shall not be allowed to charge the price of further meals until the account has been paid in full but will be allowed to purchase a meal if the student pays for the meal when it is received. At least one written warning shall be provided to a student and his/her parent prior to denying meals for exceeding the district's charge limit. Payment is due to the school's kitchen manager as soon as possible. Students or parents of students may prepay meal costs.<sup>7</sup>

10. The sale of foods (other than FMNV) in competition with the district's lunch (NSLP) or breakfast (SBP) programs will be allowed in dining sites during lunch and breakfast periods with Board approval only when all income from the food sales accrues to the benefit of the district's nutrition and food services or accrues to a school or student organization approved by the Board. A copy of the Board minutes approving and defining competitive food sales will be made available upon request.
11. The district will not use nutrition and food services funds to purchase FMNV for sale unless the proceeds from the sale of those foods is deposited into the Nutrition and Food Services account in an amount sufficient to cover all direct and indirect costs relating to the purchase and service of the foods.
12. Soda pop and any other FMNV will not be offered "at no additional cost" with NSLP lunch meals or SBP breakfast meals in any district school.

#### **Record Keeping**

13. All currently approved and denied confidential applications for free and reduced price meals and all current direct certification documents will be maintained for three years after the current school year. Records will be maintained longer in the event of unresolved audit(s) until the audit(s) has been completed.
14. All currently approved and denied confidential applications for free and reduced price meals and all current direct certification documents will be readily retrievable by school or site and made available to state or federal reviewers upon request.
15. The district will maintain financial records that account for all revenues and expenditures of the nonprofit school nutrition and food services for a period of three years after the school year to which they pertain.

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<sup>7</sup>Language is suggested only. Revise to reflect district's meal charging requirements and ensure information is communicated to students and parents.