



Book	Policy Manual
Section	Second Reading by Board
Title	SCHOOL NUTRITION
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8500 - **SCHOOL NUTRITION**

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

The Board shall also provide a breakfast program in accordance with procedures established by the ~~Department of Public Instruction~~ **United States Department of Agriculture (USDA) School Breakfast Program**.

The School Nutrition 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 ~~of the United States Department of Agriculture (USDA)~~ and the USDA's Smart Snacks in School nutrition standards. Further, the School Nutrition program shall comply with Federal and State regulations pertaining to the fiscal management of the program, as well as all requirements pertaining to School Nutrition hiring and School Nutrition 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 School Nutrition staff and other authorized persons.

The Board shall approve and implement nutrition standards governing the types of food and beverages that may be **provided and** sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold. In adopting such standards, the Board shall:

- A. consider the nutritional value of each food or beverage;
- B. consult and incorporate to the maximum extent possible the Dietary Guidelines for Americans jointly developed by the USDA and the United States Department of Health and Human Services; and
- C. consult and incorporate the USDA's Smart Snacks in School nutrition guidelines.

The District's School Nutrition program shall serve only food items and beverages determined by the School Nutrition 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 Superintendent will require that the School Nutrition program serve foods in the schools of the District that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The Superintendent or designee is responsible for implementing the School Nutrition program in accordance with the adopted nutrition standards and shall provide a report to the Board at one of its regular meetings, annually, regarding the District's compliance with the standards. () The Superintendent shall assure that the District's vendors and/or School Nutrition Management Contractor is provided 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.]~~

Dietary Modifications

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, a dentist, physician, optometrist, physician assistant, podiatrist, registered dietitian, or nurse practitioner. The request must contain the following information (X) 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 School Nutrition 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.

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 () the School Nutrition Director who shall serve as the Special Dietary Accommodation Coordinator (X) the Special Dietary Accommodation Coordinator, D.C. Everest Middle School, 9302 Schofield Ave., Weston, WI 54476, (715) 241-9700, ext. 2406. **[End of Options]** ~~[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>) (X) or upon request to the District's School Nutrition Director or Special Dietary Accommodation Coordinator **[END OF OPTION]**.

~~Substitutions to the standard meal requirements shall be made, at no additional charge, for students who have received from a health care provider with prescriptive authority in the State of Wisconsin, medical certification that the student's medical condition restricts their diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b.~~

The individual making an initial request for such substitutions must inform the Director of School Nutrition that the student has a ~~medical condition~~ **disability** that restricts the student's diet, ~~in accordance with the criteria set forth in 7 C.F.R. Part 15b.~~ The School District will honor the request ~~for five (5) school days. Within five (5) school days after receiving the initial request, a health care provider with prescriptive authority in the State of Wisconsin must submit medical certification that the student's medical condition restricts their diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b. The substitutions may be discontinued until such medical certification is received.~~ ~~ed.~~ upon receipt of the required documentation from a State authorized medical authority. 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.

~~The medical certification must identify:~~

- A. ~~the student's medical condition or symptoms of a condition that restricts one (1) or more major life activities or functions;~~

- B. an explanation of how the condition or symptom affects the student's diet; and
- C. the food(s) to be omitted from the student's diet and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula);

The District may provide a substitute meal without any certification, provided the meal still meets the USDA meal pattern for reimbursement.

Disability Accommodation Grievance Procedure

The following procedure is intended to provide prompt and equitable resolution to any concern or disagreement regarding the School Nutrition 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 Building Principal District's Compliance Coordinator Superintendent _____ Director of School Nutrition **[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 School Nutrition 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 Superintendent whose decision is final _____ **[End of Options]**.
- B. Any other complaint or disagreement with the School Nutrition 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 Superintendent 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~~

~~[] 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 School Nutrition Director 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 to clarify medical information, as necessary.

A special dietary request will be approved and implemented within five (5) days or as soon as possible thereafter upon submission of a completed authorized Medical Statement.

Notification

Parents will be notified of clarifications needed or approval of a special dietary request.

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 will/shall make every effort to contact the School Nutrition Director or by 9:00 a.m. the same day.

Renewing A Special Dietary Request

An authorized Medical Statement does not need to be updated annually. However, the School Nutrition Director 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 School Nutrition Director, or shall be discontinued consistent with the medical authorities recommendation provided with the Medical Statement for Special Dietary Needs.

~~The District may provide a student with a substitute meal without any certification provided that the meal still meets the USDA meal pattern for reimbursement.~~

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 School Nutrition program shall be the responsibility of the Director of School Nutrition and the Assistant Superintendent of Operations. School Nutrition shall be operated on a self-supporting basis with revenue from students, staff, Federal and State reimbursement, and USDA food allotments. 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 School Nutrition accounts shall be made by the Assistant Superintendent of Operations. Any surplus funds from the National School Lunch Program shall be used **in a manner permitted by law to support the operation and improvement of the school meal program(s) through allowable expenditures** as determined by the Superintendent. Surplus funds from a-la-carte foods purchased using funds from the nonprofit School Nutrition account must accrue to the nonprofit School Nutrition account.

Bad Debt

Bad debt incurred through the inability to collect lunch payments from students is not an allowable cost chargeable to any Federal program. Any related collection costs, including legal costs, arising from such bad debt after they have been determined to be uncollectible are also unallowable. District efforts to collect bad debt shall be in accordance with Policy 6152 - Student Fees, Fines, and Charges.

Bad debt is uncollectible/delinquent debt that has been determined to be uncollectible no sooner than the end of the school year in which the debt was incurred. If the uncollectible/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, then this is classified as bad debt. Once classified as bad debt, non-Federal funding sources must reimburse the NSFSA for the total amount of the bad debt. The funds may come from the District general fund, State or local funding, school or community organizations such as the PTO, or any other non-Federal source. Once the uncollectible/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 C.F.R. 210.9(b) (17) and 7 C.F.R. 210.15(b).

Negative Account Balances

Students will be permitted to purchase meals from the District's school nutrition using either cash on hand or an online school nutrition account.

A student shall not be permitted to purchase a la carte items without sufficient account balance or cash on hand. Likewise, any student who has a negative account balance may not purchase a la carte items with cash unless the student is also able to bring the account current.

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

This policy and any implementing guidelines shall be provided in writing to all households at the start of each school year and to households transferring to the school or School District during the school year. The policy and implementing guidelines will also be provided to all District staff with responsibility for enforcing the policies and will be posted to the District website.

The School Nutrition program may participate in the "Farm to School Program" using locally grown food in school meals and snacks.

~~No foods or beverages, other than those associated with the District's school nutrition program, are to be sold during school nutrition hours.~~

~~The District's School Nutrition program shall serve only food items and beverages determined by the School Nutrition Department to be in compliance with the current USDA Smart Snacks in School nutrition guidelines. Any competitive food items and beverages that are available for sale to students ala-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. Foods and beverages unassociated with the School Nutrition program may be vended in accordance with Board Policy 8540— Vending Machines.~~

The Superintendent will require that the School Nutrition program serve foods in the schools of the District that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The Superintendent or designee is responsible for implementing the School Nutrition program in accordance with the adopted nutrition standards and shall provide a report regarding the District's compliance with the standards at one of its regular meetings annually.

Nondiscrimination Statement

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/USDA_OASCR%20Program_Discrimination_Complaint_Form_0508_0002_508_11_28_17Fax2Mail.pdf, <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.

This institution is an equal opportunity provider.

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Revised 2/1/21

Revised 1/31/22

Revised 6/15/21

Revised 9/1/22

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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

Cross References

[po5335.01 - STUDENTS WITH ANAPHYLACTIC ALLERGIES](#)



8500F MedicalStatement2024.pdf (158 KB)

Last Modified by Ellen Suckow on December 2, 2024