



Book	Policy Manual
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### 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.

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 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, and as well as all Federal and State requirements of the United States Department of Agriculture (USDA) 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 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 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.**

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

### **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. The request must contain the following information:

- 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.

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. Sandy Anderson, 1048 E. King Road, Tomahawk, WI 544878, andersons@myhatchets.org

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 Food Service Director or Special Dietary Accommodation Coordinator.

~~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 Food Service Director or Special Dietary Accommodation Coordinator 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 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 disability and the major life activity affected by the disability;~~
- B. ~~an explanation of why the disability 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).~~

### 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)~~ District's Compliance Coordinator 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 ( **X** ) the decision may be appealed to the District Administrator whose decision is final.

- 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 Food Service Director. 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.

## 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.

### 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 shall contact the ~~Food Service Director or~~ Special Dietary Accommodation Coordinator 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 ~~Food Service Director or~~ 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 ~~Food Service Director or~~ Special Dietary Accommodation Coordinator 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, 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 Service Director. 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.

Students will not be permitted to purchase a meal from the Food Service Department, but will instead be provided an alternative meal until the school collects delinquent lunch accounts.

A periodic review of the food service accounts shall be made by the District Bookkeeper. 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 Board. Surplus funds from a-la-carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.

### **Bad Debt**

Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. 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.

Bad debt is uncollectable/delinquent debt that has been determined to be uncollectable no sooner than the end of the school year in which the debt was incurred and after the District Administrator determines that sufficient reasonable effort and approaches to collecting the debt have been made. If the uncollectable/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 PTA, or any other non-Federal source. Once the uncollectable/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 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 a negative food service account balance not to exceed \$30.00. A student shall not be permitted to purchase a la carte items without a 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 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 so that the unpaid charges are not classified as "bad debt" at the end of the school year.

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.

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. The policy and guidelines will be posted on the District website.

The food service 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 food service program, are to be sold during food service hours.~~

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 Nutrition Standards for the National School Lunch and School Breakfast Programs. 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 last lunch period shall also comply with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs and the USDA Smart Snacks in School nutrition guidelines.

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 is responsible for implementing the food service 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**

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. The District's nondiscrimination statement below is complementary to the District's nondiscrimination policies, including Policy 2260 - Nondiscrimination and Access to Equal Opportunity and Policy 1422/Policy 3122/Policy 4122 - Nondiscrimination and Equal Employment Opportunity.

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, audiotope, 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/USDA\\_OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf](https://www.usda.gov/sites/default/files/documents/USDA_OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf) or <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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

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Revised 1/18/19

T.C. 2/23/21

Revised 4/12/22

T.C. 11/8/22

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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

**Last Modified by Coleen Frisch on December 4, 2024**