

Browning Public Schools  
**Board Agenda Request**  
Meeting To Be Held: 11/30/16



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**Recognition:**     Students                       Staff                       Parents  
**Information:**     Building Report               Old Business               Superintendent's Report  
**Action:**         Resignation                       Hiring                       Contract Service Agreements  
                     Travel Out-of-State               Travel In State               Approvals  
                     Termination                       Legal Matters               Other:  
This action request pertains to     Elementary (only)               High School/District Wide

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**Date:**        11/16/16

**To:**            **Board of Trustees**  
                    Browning Public Schools

**From:**        John P. Rouse  
**Title:**        Superintendent

**Subject: Consideration of New Flexibility Policies Recommended by MTSBA**

**Description:** Montana School Board Association (MTSBA) has recommended some new policies that give the school district more flexibility in certain areas. The administration recommends that the Board consider adopting the following new policies:

- Proficiency-Based ANB
- Transfers for School Safety
- Multidistrict Agreements (including a sample agreement format)
- Flexible Instructor Licensing
- Cooperative Purchasing
- Non-voted Levy for Excess IDEA Costs
- Adult Education
- Meal Charge.

Also the administration is recommending revisions to the following existing policies:

- Policy 3100 Student Enrollment, Exceptional Circumstances
- Policy 3533 Student Fund Raising.
- Policy 2519 School Wellness
- Policy 3760 Child Abuse and Neglect

**Attachment(s):** policies

**Approval:** Superintendent's Office/Finance/Personnel as applicable (Initial) \_\_\_\_\_

**Board Action:**     N/A (Info)     Approved     Denied     Tabled to: \_\_\_\_\_

1  
2 **Browning Public Schools**

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4 Policy #

5 Policy Name: *Proficiency-Based ANB*

6 *Regulation:*

7  
8 It is the policy of the District to increase the flexibility and efficiency of the District’s resources by  
9 utilizing the provision of law allowing proficiency-based ANB.

10  
11 [OPTION] The District may include in its calculation of ANB a pupil who is enrolled in a program  
12 providing fewer than the required aggregate hours of pupil instruction required under Montana law if the  
13 pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by  
14 the school board using district assessments. The ANB of a pupil who demonstrates proficiency in any  
15 content/subject matter will be converted to an hourly equivalent based on the hours of instruction  
16 ordinarily provided for the content over which the student has demonstrated proficiency.

17  
18 [OPTION] The District may, on a case-by-case basis, provide fractional credit for partial completion of  
19 a course for a student who is unable to attend class for the required amount of time.

20  
21 [OPTION] The District may waive specific course requirements based on individual student needs and  
22 performance levels. Waiver requests shall also be considered with respect to age, maturity, interest, and  
23 aspirations of the students and shall be in consultation with the parents or guardians.

24  
25 [OPTION] At the discretion of the District, a student may be given credit for a course satisfactorily  
26 completed in a period of time shorter or longer than normally required and, provided that the course  
27 meets the District's curriculum and assessment requirements, which are aligned with the content  
28 standards stated in the education program. Examples of acceptable course work include, but are not  
29 necessarily limited to, those delivered through correspondence, extension, and distance learning courses,  
30 adult education, summer school, work study, specially designed courses, and challenges to current  
31 courses.

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34 **Legal Reference:** 20-9-311(4)(a)(b)(d), MCA Calculation of average number belonging  
35 (ANB) – 3-year averaging  
36 20-3-324, MCA Powers and duties  
37 10.55.906 ARM High School Credit

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39 **Policy History:**

40 Adopted on:

41 Amended on:

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1 **Browning Public Schools**

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3 Policy #

4 Policy Name: *Transfers for School Safety*

5 *Regulation:*

6  
7 It is the policy of the District to increase the flexibility and efficiency of the District’s resources by  
8 utilizing the provision of law allowing  
9 transfers of funds to improve school safety and security.

10  
11 The District may transfer state or local revenue from any budgeted or non-budgeted fund, other than the  
12 debt service fund or retirement fund, to its building reserve fund in an amount not to exceed the school  
13 district's estimated costs of improvements to school safety and security

14  
15 The transfer of such funds can be for:

- 16  
17 1. planning for improvements to school safety, including but not limited to the cost of services provided by  
18 architects, engineers, and other consultants;  
19 2. installing or updating locking mechanisms and ingress and egress systems at public school access points,  
20 including but not limited to systems for exterior egress doors and interior passageways and rooms, using  
21 contemporary technologies;  
22 3. installing or updating bullet-resistant windows and barriers; and  
23 4. installing or updating emergency response systems using contemporary technologies.  
24

25 Any transfers made under this policy and Montana law are not considered expenditures to be applied  
26 against budget authority. Any revenue transfers that are not encumbered for expenditures by June 30,  
27 2019, must be transferred back to the originating fund from which the revenue was transferred.  
28

29 If transfers of funds are made from a District fund supported by a non-voted levy, the District may not  
30 increase its non-voted levy for the purpose of restoring the transferred funds.  
31

32 **Legal Reference:** 20-9-503, MCA Budgeting, tax levy, and use of building reserve fund  
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35 **Policy History:**

36 Adopted on:

37 Amended on:  
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2 **Browning Public Schools**

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4 Policy #

5 Policy Name: *Multidistrict Agreements*

6 *Regulation:*

7  
8 It is the policy of the District to increase the flexibility and efficiency of the District’s resources by  
9 utilizing multidistrict agreements whenever possible.

10  
11 Montana law (20-3-363, MCA) allows the boards of trustees of any two or more school districts to enter  
12 into a multidistrict agreement to create a multidistrict cooperative to perform any services, activities, and  
13 undertakings of the participating districts and to provide for the joint funding and operation and  
14 maintenance of all participating districts upon the terms and conditions as may be mutually agreed to by  
15 the districts

16  
17 The agreement must be approved by the boards of trustees of all participating districts and must include a  
18 provision specifying terms upon which a district may exit the multidistrict cooperative. The agreement  
19 may be for a period of up to 3 years.

20  
21 All expenditures in support of the multidistrict agreement may be made from the interlocal cooperative  
22 fund as specified in [20-9-703](#) and [20-9-704](#). Each participating district of the multidistrict cooperative  
23 may transfer funds into the interlocal cooperative fund from the district's general fund, budgeted funds  
24 other than the retirement fund or debt service fund, or non-budgeted funds other than the compensated  
25 absence liability fund. Transfers to the interlocal cooperative fund from each participating school  
26 district's general fund are limited to an amount not to exceed the direct state aid in support of the  
27 respective school district's general fund. Transfers from the retirement fund and debt service fund are  
28 prohibited. Transfers may not be made with funds restricted by federal law unless the transfer is in  
29 compliance with any restrictions or conditions imposed by federal law.

30  
31 Expenditures from the interlocal cooperative fund are limited to those expenditures that are permitted by  
32 law and that are within the final budget for the budgeted fund from which the transfer was made.

33  
34 If transfers of funds are made from a District fund supported by a non-voted levy, the District may not  
35 increase its non-voted levy for the purpose of restoring the amount of funds transferred.

36  
37 Examples of flexibility under this policy and Montana Law include but are not limited to:

- 38 ➤ A district with a separate high school and elementary budget can enter into an agreement within the  
39 district;
- 40 ➤ A district may enter into an agreement with any other school district(s) for the sharing of resources,  
41 including supplies, services, personnel, etc.

42  
43 Legal Reference: 20-3-363, MCA Multidistrict agreements – fund transfers  
44 20-9-703, MCA District as prime agency  
45 2-9-704, MCA District as cooperating agency

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47 **Policy History:**

48 Adopted on:

49 Amended on:

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2 **Browning Public Schools**

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4 Policy #

5 Policy Name: *Model Multidistrict Agreement*

6 *Regulation:*

7  
8 This Multidistrict Agreement (hereinafter "Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_  
9 \_\_\_\_\_, 20\_ by and between identify participating school districts (collectively hereinafter  
10 "Participating District" or "Participating Districts").

11  
12 WHEREAS, pursuant to section 20-3-363, MCA, the boards of trustees of any two or  
13 more school districts may enter into an Multidistrict Agreement to create a multidistrict cooperative to  
14 perform any services, activities, and undertakings of the Participating Districts and to provide for the  
15 joint funding and operation and maintenance of all Participating Districts upon the terms and conditions  
16 as may be mutually agreed to by the districts subject to the conditions of section 20-3-363, MCA;

17  
18 WHEREAS, an Agreement made pursuant to section 20-3-363, MCA, must be approved  
19 by the board of trustees of all Participating Districts;

20  
21 WHEREAS, all expenditures in support of the Multidistrict Agreement may be made  
22 from the interlocal cooperative fund in accordance with sections 20-9-703 and 20-9-704, MCA. Each  
23 Participating District of the multidistrict cooperative may transfer funds into the interlocal cooperative  
24 fund from the general fund, any budgeted fund, or any non-budgeted fund of the Participating Districts,  
25 except as limited/prohibited law as follows:

- 26  
27 1. transfers to the interlocal cooperative fund from each Participating District's general fund are  
28 limited to an amount not to exceed the direct state aid in support of the respective school district's  
29 general fund;
- 30 2. transfers from the retirement fund, the debt service fund or the compensated absence liability  
31 fund are prohibited; and
- 32 3. transfers may not be made with funds restricted by federal law unless such transfer is in  
33 compliance with any restrictions or conditions imposed by federal law.

34  
35 WHEREAS, in accordance with section 20-9-703, MCA, \_\_\_\_\_ shall  
36 be designated as the prime agency. All other Participating Districts shall be designated as cooperating  
37 agencies;

38  
39 WHEREAS, expenditures from the interlocal cooperative fund are limited to those  
40 expenditures that are permitted by law and that are within the final budget for the budgeted fund from  
41 which the transfer was made.

42  
43 NOW THEREFORE, the districts hereby agree as follows:

- 44  
45 1. To create a multidistrict cooperative for the purpose of **incorporate purpose(s) here:**
- 46  
47 2. To create an interlocal cooperative fund for the purpose of transferring funds from the  
48 Participating Districts for the purpose(s) stated herein;

1  
2 3. The **identify the district designated as the prime agency** is designated as the prime agency  
3 and as such shall establish a non-budgeted interlocal cooperative fund for the purpose of the  
4 financial administration of this Multidistrict Agreement.  
5

6 4. All other Participating Districts are designated as the cooperating agencies and in accordance  
7 with section 20-9-704, shall transfer its financial support under this Agreement to the prime agency  
8 by district warrant.  
9

10 5. Any and all amounts transferred into the interlocal cooperative fund by any Participating District  
11 may come from: (a) the respective district's general fund in an amount not to exceed the direct state  
12 aid in support of the respective school district's general fund; or (b) any other budgeted fund of a  
13 participating district, except that funds cannot be transferred from the retirement fund or the debt  
14 service fund; or (c) any non-budgeted fund of a Participating District, except that funds cannot be  
15 transferred from the compensated absence liability fund.  
16

17 6. Transfers may not be made with funds restricted by federal law unless the transfer is in compliant  
18 with any restrictions or conditions imposed by federal law.  
19

20 7. Any and all amounts transferred into the interlocal cooperative fund by each Participating District  
21 must be for the purpose stated herein as mutually agreed upon between the Participating Districts in  
22 accordance with the terms of this Agreement.  
23

24 8. The term of this Agreement shall be from \_\_\_\_\_ to \_\_\_\_\_. \*This  
25 Agreement may be extended by mutual approval of each Participating District. However, the term of  
26 the Agreement may not extend beyond 3 years. Any remaining fund balance in the interlocal  
27 cooperative fund at year end may be carried over to the subsequent fiscal year.  
28

29 9. The terms of this Agreement may be changed upon mutual written approval of the Participating  
30 Districts.  
31

32 10. Each Participating District shall agree how the funds shall be disbursed during the current fiscal  
33 year by establishing a budget or guidelines. The prime agency shall adhere to this Agreement. The  
34 Participating Districts will be provided with a monthly accounting summary of expenditures from the  
35 prime agency.  
36

37 11. The multidistrict cooperative may be dissolved upon mutual consent of all Participating Districts  
38 in writing upon \_\_\_\_\_ days written notice to all Participating Districts. In addition, any  
39 Participating District may terminate its participation in the multi-district cooperative upon \_\_\_ days  
40 written notice to all Participating Districts. In the event that the multidistrict cooperative is dissolved  
41 in its entirety or any Participating District terminates its participation in the multidistrict cooperative,  
42 the provisions of Paragraph 12 below shall apply.  
43

44 12. Upon termination of this Agreement by one or all Participating Districts, the funds of the district  
45 or districts that no longer desire to participate in this multidistrict cooperative shall be returned to  
46 such District(s) on a pro rata share of the current funds held by the prime agency after all outstanding  
47 financial obligations have been paid with said funds to revert back to the original fund(s) from which  
48 the money was transferred as a result of said District(s) participation in the multidistrict cooperative.

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2 13. This Agreement shall be interpreted according to and governed by the laws of the State of  
3 Montana.  
4

5  
6 As agreed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
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17 Attest:  
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21 \_\_\_\_\_  
22 \_\_\_\_\_  
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26 *\*Note: The term of the agreement may be for a period of up to 3 years.*  
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1 **Browning Public Schools**

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3 Policy #

4 Policy Name: *Flexible Instructor Licensing*

5 *Regulation:*

6  
7 It is the policy of the District to increase the flexibility and efficiency of the District’s resources by  
8 utilizing the provision of law allowing flexibility in licensure of instructors and as a means of addressing  
9 recruitment and retention of staff. Flexibilities in the following areas are available for the District’s  
10 enhancement of its programs and services to enhance student achievement.

- 11
- 12 • Internships
    - 13 ○ Available to anyone with a current license and endorsement in one subject who
    - 14 wants to move to a new licensed role/endorsed area.
    - 15 ○ Requirements must be satisfied within 3 years
    - 16 ○ Must include a plan between the intern, the school district and an accredited
    - 17 preparation program
  - 18 • Provisionally Certified
    - 19 ○ May be issued to an otherwise qualified applicant who can provide satisfactory
    - 20 evidence of:
      - 21 ○ The intent to qualify in the future for a class 1 or class 2 certificate and
      - 22 ○ Who has completed a 4-year college program or its equivalent, and
      - 23 ○ Holds a bachelor’s degree from a unit of the Montana university system or
      - 24 its equivalent.
  - 25 • Substitutes
    - 26 ○ Must have a GED or high school diploma
    - 27 ○ Will have completed 3 hours of training by the district
    - 28 ○ Will have submitted a fingerprint background check
    - 29 (All requirements can be waived by the district if the substitute has prior
    - 30 substitute teaching experience in another public school from November 2002 to
    - 31 earlier)
    - 32 ○ May not substitute more than 35 consecutive days for the same teacher, however
    - 33 the same substitute can be used for successive absences of different staff as long
    - 34 as each regular teacher for whom the substitute is covering is back by 35
    - 35 consecutive teaching days
  - 36 • Retired Educators
    - 37 ○ School district must certify to OPI and TRS that the district has been unable to fill
    - 38 the position due to no qualified applications or no acceptance of offer by a non-
    - 39 retired teacher
    - 40 ○ No limit on the district
    - 41 ○ Retired teacher must have 30 years of experience in TRS
    - 42 ○ There is a 3 year lifetime limit on the retired individual going to work under this
    - 43 provision
  - 44 • Class 4 for CTE
    - 45 ○ Valid for a period of 5 years
    - 46 ○ Renewable pursuant to the requirements of 10.57.215, ARM and the requirements
    - 47 specific to each type of Class 4 license.
    - 48 ○ 4A – for licensed teachers without a CTE endorsement
    - 49 ○ 4B – for individuals with at least a bachelor’s degree



- 4C – for individuals with a minimum of a high school diploma or GED
- Class 5 alternatives
  - Good for a maximum of 3 years
  - Requirements dependent upon the alternative the district is seeking
- Emergency authorization of employment
  - Individual must have previously held a valid teacher or specialist certificate or have met requirements of rule 10.57.107, ARM
  - Emergency authorization is valid for one year, but can be renewed from year to year provided conditions of scarcity continue to persist

**Legal References:** 10.55.716, ARM Substitute Teachers  
10.55.607, ARM Internships  
10.57.107, ARM Emergency Authorization of Employment  
10.57.215, ARM Renewal Requirements  
10.57.420, ARM Class 4 Career and Technical Education License  
10.57.424, ARM Class 5 Provisional License  
19-20-732, MCA Reemployment of certain retired teachers,  
specialists and administrators – procedure – definitions

**Policy History:**

Adopted on:

Amended on:

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**Browning Public Schools**

Policy #  
Policy Name: *Cooperative Purchasing Regulation:*

It is the policy of the District to increase the flexibility and efficiency of the District’s resources by utilizing provisions in law that allow for cooperative purchasing without the formalities of the bidding process.

The District may enter into a cooperative purchasing contract for the procurement of supplies or services with one or more districts. This allows the District to participate in a cooperative purchasing group to purchase supplies and services through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

An example of flexibility under this policy and Montana Law includes but is not limited to the Montana Cooperative Services (MCS) Program.

**Legal Reference:** 20-9-204(4), MCA Conflicts of interest, letting contracts, and calling for bids – exceptions

**Policy History:**  
Adopted on:  
Amended on:

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2 **Browning Public Schools**

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4 Policy #

5 Policy Name: *Non-Voted Levy for Excess IDEA Costs*

6 *Regulation:*

7  
8 It is the policy of the District to increase the flexibility and efficiency of the District's resources by  
9 utilizing provisions in law that allow the District to levy amounts necessary to provide FAPE to resident  
10 students with special needs.

11  
12 In addition to use of a tuition levy to pay tuition for out-of-district attendance of a resident pupil, a  
13 school district may also include in its tuition levy an amount necessary to pay for the full costs of  
14 providing a free appropriate public education to any child with a disability who lives in the District. The  
15 amount of the levy imposed for the costs associated with educating each child with a disability must be  
16 limited to the actual cost of service under the child's individualized education program minus:

- 17  
18 (A) the student's state special education payment;  
19 (B) the student's federal special education payment;  
20 (C) the student's per-ANB amount;  
21 (D) the prorated portion of the district's basic entitlement for each qualifying student; and  
22 (E) the prorated portion of the district's general fund payments in [20-9-327](#) through [20-9-330](#)  
23 for each qualifying student.

24  
25  
26 Legal Reference: 20-5-324(5)(a)(iii), MCA Tuition report and payment provisions  
27 20-9-327, MCA Quality Educator Payment  
28 20-9-328, MCA At-Risk Student Payment  
29 20-9-329, MCA Indian education for all payment  
30 20-9-330, MCA American Indian achievement gap payment

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32 **Policy History:**

33 Adopted on:

34 Amended on:  
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2 **Browning Public Schools**

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4 Policy #

5 Policy Name: *Adult Education*

6 *Regulation:*

7  
8 The Board of Trustees authorizes the establishment of an adult education program. The course offerings  
9 in such program may include but shall not necessarily be limited to instruction in basic skills, such as  
10 reading, writing, arithmetic, and other skills required to function in society, and/or any subject normally  
11 offered in the basic high school curricula of the school district.

12  
13 Course Offerings:

14  
15 Course offerings under the district's adult education program shall include and be regularly aligned with  
16 and focused on the subjects required for graduation under policy 2410, and further aligned with the  
17 district's curriculum and assessment requirements, and the content standards of the Board of Public  
18 Education. The Administration shall periodically compile, update and publish a list showing the  
19 corresponding course equivalency between adult education courses and the district's high school courses  
20 required for graduation.

21  
22 Enrollment Qualifications:

23  
24 The Board of Trustees authorizes the enrollment of any member of the community who is 16 years of  
25 age or older who is not a regularly enrolled, full-time pupil for the purposes of ANB computation as  
26 provided in 20-7-701, MCA, including part-time pupils subject to the limitations of this section.

27  
28 Eligibility for enrollment of any part-time pupil who is 16 years of age or older is subject to the  
29 Administration's assurances that the concurrent enrollment in high school and adult education of any  
30 part-time pupil claimed as such for ANB computation is, when combined, equal to or less than the  
31 equivalent of three-quarter-time enrollment as defined in 20-9-311, MCA.

32  
33 Primary Purpose 1: Credit Recovery/Improvement of Graduation Rates

34  
35 A preference for enrollment in specific courses in the district's adult education program shall be  
36 accorded to any person:

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42
1. Who has been previously enrolled as a pupil of the district in any of the 4 academic years prior to the year for which enrollment in the district's adult basic education program is sought;
  2. Who has failed to previously earn a high school diploma; and
  3. Who is seeking to enroll in any course required for graduation under policy 2410 that the person has not yet completed.

43  
44 Upon the successful completion of all missing course work required for graduation by any person  
45 enrolled in the district's adult education program under this section, and provided the person is otherwise  
46 qualified, the district shall grant such person a high school diploma in accordance with policy 2410.

47  
48 Primary Purpose 2: Post-Secondary Success and Readiness

49  
50 A preference for enrollment in specific courses in the district's adult education program shall be  
51 accorded to any person:

- 52  
53
1. Who is at least 16 years of age but who is not yet 19 years of age;
  2. Who has not yet graduated and is enrolled in the high school district on no more than a part time basis or who has graduated and has been admitted by the trustees as a part time pupil pursuant to

1 20-5-101(3); and

- 2 3. Who is seeking to enroll in any advance placement, dual credit or concurrent credit course offered  
3 in collaboration with the Montana university system.

4  
5 Option 1 on Tuition Cost, Person Pays: Any person enrolled in adult education courses under  
6 this section shall be responsible for any third party supplemental fees charged for participation in  
7 such courses, including but not limited to tuition charged by a postsecondary institution for  
8 courses granting college credit and advanced placement test fees charged by the College Board.

9  
10 Option 2 on Tuition Cost, District Pays: The district shall pay for any third party supplemental  
11 fees charged for participation in such courses, including but not limited to tuition charged by a  
12 postsecondary institution for courses granting college credit and advanced placement test fees  
13 charged by the College Board

14  
15 Option 3 on Tuition Cost, District Defrays Cost: Any person enrolled in adult education courses  
16 under this section shall be responsible for the first \$100 per credit of any third party supplemental  
17 fees charged for participation in such courses, including but not limited to tuition charged by a  
18 postsecondary institution for courses granting college credit and advanced placement test fees  
19 charged by the College Board. The district shall pay for any third party costs above the first \$100  
20 per credit.

21  
22 Primary Purpose 3: Additional Offerings for the Community Aligned with Business and Economic  
23 Trends

24  
25 Additional adult education offerings may be developed in collaboration with community representatives,  
26 subject to approval and authorization by the Board. Preference in the development of such additional  
27 offerings will be provided to course offerings aligned with and designed to address identified community  
28 needs for retraining and/or professional development caused by economic or other circumstances unique  
29 to the community.

30  
31 Cross Reference: Policy 2410 – 2410P High School Graduation Requirements

32  
33 Legal Reference: § 20-5-101(3), MCA Admittance of child to school.  
34 § 20-7-701, MCA Definition of adult basic education and adult education.  
35 § 20-9-311, MCA Calculation of average number belonging  
36 (ANB) – 3 year averaging  
37 10.55.906, ARM High School Credit

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39 **Policy History:**

40 Adopted on:

41 Amended on:  
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**Browning Public Schools**

Policy # **8205**

Policy Name: *Meal Charge Policy*

*Regulation:*

The Browning School/School District has eliminated the risk for unpaid meal charges by participating in the Community Eligibility Provisions (CEP) program, which is a meal service option for schools and school districts operating the school meal programs in high-poverty communities. CEP allows the school to provide breakfast and lunch at no cost to all enrolled children without the need to collect applications or establish individual eligibility for a four-year period, thereby increasing access to school meals and eliminating unpaid meal charges.

**Cross Reference:**

**Legal Reference:**

**Policy History:**

Adopted on:

Amended on: