

**Oregon School Boards Association  
Selected Sample Policy**

Code: EFAA-AR  
Adopted:

**Reimbursable School Meals and Milk Programs  
(National School Lunch Program, School Breakfast Program, Special Milk Program)**

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 Supplemental Nutrition Assistance Programs (SNAP)).
2. Reimbursable meals [and snacks] will be priced as a unit.
3. Reimbursable meals[,] [and] [milk] [snacks] 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 [and free milk].
4. Annually, the district will establish prices for reimbursable student meals[,] [and] [snacks] [milk]. The price charged to students who do not qualify for free or reduced price meals [or free milk] 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>2</sup>
- [6. The district will offer SMP [with the free option] [without the free option] to students who are not able to participate in the district's lunch or breakfast programs.]
- [7. The district will implement claiming alternative Provision 2 at the following schools under its jurisdiction: \_\_\_\_\_ (List schools) \_\_\_\_\_.]

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<sup>1</sup>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.

<sup>2</sup>According to Direct Certification and Certification of Homeless, Migrant and Runaway Children for Free School Meals, 7 C.F.R Part 245 (2011).

## Application Procedures

6. Households receiving SNAP or Temporary Assistance to Needy Families (TANF) benefits as identified by Oregon Department of Education (ODE), will be automatically eligible for free meals[,] [and] [snacks] [milk] for the students listed on the official document. Districts must access this document at least three times per year.
7. Households that submit a confidential application will be notified of their student's eligibility for free or reduced price meals [or free milk]. Households that are denied free or reduced price benefits will be notified in writing using the 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 [or free milk] benefits and the household fails to submit a confidential application, the superintendent or designee 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 and given the opportunity to decline benefits.
9. Students who do not qualify for free or reduced price meals [or free milk] are eligible to participate in the [SMP,] National School Lunch Program (NSLP) [and School Breakfast Program (SBP)] and will be charged "paid" meal[,] [and] [~~snack~~] [milk] 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] [SMP] [SBP].*SL*
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 [or free milk] 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] [SMP] [SBP]. *SL*
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>3</sup>
4. District nutrition and food services revenues will not be used to purchase land or buildings.

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<sup>3</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.

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] [SMP] [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.
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] [SMP] [SBP] benefits and services, and employment practices with regard to the operation of its NSLP[,] [and] [SMP] [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.

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6. The district will maintain strict confidentiality of all information on the confidential application for free and reduced price meals [or free milk], including students' eligibility for free or reduced price meals and all household information. The district's NSLP[,] [and] [SMP] [SBP] operators are not required to release any information from a student's confidential application for free or reduced price meals [or free milk]. No information may be released from a student's confidential application for free or reduced price meals [or free milk] 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 [or free milk] (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**

1. Meals and snacks served for reimbursement will meet the recommendations of the most current Dietary Guidelines for Americans.
2. Meals [and snacks] served for reimbursement will meet at least the minimum NSLP [and SBP] requirements for food items and quantities.
3. Meals served for reimbursement will:
  - a. Meet all minimum and maximum calorie requirements by grade level;
  - b. Meet the maximum standards set for saturated fat;
  - c. Meet the maximum standards set for sodium by grade level<sup>4</sup>; and
  - d. Meet the requirement for zero grams of trans fats.
4. 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 including one-half cup of fruit or vegetable offered in program lunches.
5. The district will use the offer versus serve option when serving program breakfasts to senior high school students. High school students must take at least three of four food items, including one-half cup of fruit or vegetable offered in program breakfasts.<sup>5</sup>

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<sup>4</sup>Implementation by the 2014-2015 school year.

6. The district will use the offer versus serve option when serving program lunches to students below senior high school grades. Students below high school grades will be required to take ~~{three of the five food items,}~~ ~~{four of the five food items}~~ including one-half cup of fruit or vegetable offered in program lunches.]
7. The district will use the offer versus serve option when serving program breakfasts to students below senior high school grades. Students below high school grades will be required to take three of the four food items, including one-half cup of fruit offered in program breakfasts.<sup>6</sup>]
8. 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>7</sup>

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

9. 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.
10. The district will maintain necessary safeguards to prevent theft or spoilage of commodity foods.
11. 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[,] [and] [snacks] [milk] served to eligible children.
2. All meals[,] [and] [snacks] [milk] 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] [milk] meets NSLP[,] [and] [SMP] [SBP] requirements for reimbursement.
3. The person responsible for determining reimbursability of meals [and snacks] will be trained to recognize a reimbursable meal [and snack] under the menu planning approach used at the school.
4. The district official signing the claim for reimbursement will review and analyze monthly meal[,] [and] [snack] [milk] 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.

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

<sup>5</sup>Implementation by the 2014-2015 school year.

<sup>6</sup>Implementation by the 2014-2015 school year.

<sup>7</sup>Modify the language of this item to be reflective of the options the district has selected for offer versus serve.

6. The district will maintain necessary facilities for storing, preparing and serving food and milk.
7. Semiannually, 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. 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. 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.
6. 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.
7. 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>8</sup>
8. The district [allows no meal charges] [will notify all households of its meal charge requirements early in the school year]. [The district's meal charging requirements are as follows:

A charge account for students paying full or reduced price for meals may be established with the district. Students may charge no more than [two] 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

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<sup>8</sup>New requirement under Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. 1751 §§ 203.

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 [district office] on the [ ] of each month. Students or parents of students may prepay meal costs.]<sup>9</sup>

9. 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.
10. 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.
11. 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**

9. All currently approved and denied confidential applications for free and reduced price meals[, free milk] 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 an unresolved audit(s), until the audit(s) has been completed.
10. All currently approved and denied confidential applications for free and reduced price meals[, free milk] and all current direct certification documents will be readily retrievable by school or site and made available to state or federal reviewers upon request.
11. The district will maintain financial records that account for all revenues and expenditures of the nonprofit school nutrition and food services programs for a period of three years after the school year to which they pertain.

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<sup>9</sup>[Language is suggested only. ]Revise to reflect district's meal charging requirements and ensure information is communicated to students and parents.