

# VALLEY STREAM UNION FREE SCHOOL DISTRICT TWENTY-FOUR

## SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)

Policy 5148

---

The Board of Education participates in the National School Lunch Program and the School Breakfast program to receive commodities and subsidies from the U.S. Department of Agriculture (“USDA”). Through the Community Eligibility Provision (“CEP”), the School District provides free meals to all students in its schools and serves meals that meet federal requirements. The School District will participate in the USDA’s CEP Program beginning in the 2023-2024 school year and throughout the duration of the CEP’s four-year cycle.

The Superintendent or their designee will carry out the rules of the School Lunch and Breakfast Programs.

The goal of the School District is to provide student access to nutritious no-cost meals and food each school day. Beginning with the 2023-2024 school year, charging is not permitted with the implementation of CEP district-wide. All students will be allowed to receive a free breakfast and lunch meal of their choice each day.

The School District’s point-of-sale system will track all purchases and transactions.

### Restriction of Sweetened Foods in School

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

Sweetened foods consist of sweetened soda water, chewing gum, candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices except those which contain fruit or fruit juices.

### Restrictions on Sale of Milk Prohibited

Schools that participate in the National School Lunch Program may not directly or indirectly restrict the sale or marketing of fluid milk products at any time or in any place on school premises or at school sponsored events.

### Food Substitutions for Children with Disabilities

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act (“IDEA”), and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including the school nutrition programs. The School District will make reasonable accommodations to those children with disabilities whose disabilities restrict their diets, such as providing substitutions and/or modifications in the regular meal patterns. These meal substitutions for students with disabilities will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement signed by a physician attesting to the need for the substitutions and recommending alternate foods.

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program ("IEP") or Section 504 Accommodation Plan as mandated by a physician's written instructions.

Food Substitutions for Nondisabled Children

The School District will allow substitutions for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

The School District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

Prohibition Against Staff Charging Meals

Staff should pay for their meals at the time of service or set up pre-paid accounts.

HACCP-Based Food Safety Program

Schools participating in the National School Lunch and/or School Breakfast programs are required to implement a food safety program based on Hazard Analysis and Critical Control Point ("HACCP") principles. The School District must develop a written food safety program for each of its food preparation and service facilities that is based on either traditional HACCP principles or the "Process Approach" to HACCP. (The "Process Approach" simplifies traditional HACCP by grouping foods according to preparation process and applying the same control measures to all menu items within the group, rather than developing an HACCP plan for each item.) Regardless of the implementation option that is selected, the School District's written food safety program must also include:

- a) Critical control points and critical limits;
- b) Monitoring procedures;
- c) Corrective actions;
- d) Verification procedures;
- e) Recordkeeping requirements; and
- f) Periodic review and food safety program revision.

Food Safety Inspections

The School District shall submit at least two food safety inspections each school year, to be conducted by a State or local government agency responsible for same. The School District will send a certified letter to the health department at the beginning of each school year requesting the two inspections. In compliance with this requirement, all schools within the School District will post, in a publicly visible location, a report on the most recent food safety inspection, and provide a copy of such report to members of the public upon request.

*This portion of the Policy will only be in effect in the event the School District ceases its participation in the CEP Program which enables the School District to provide free meals to all students.*

The Board of Education recognizes that the nutrition of School District students is an important factor in their educational progress. Therefore, the Board of Education shall participate in federally funded school food and milk programs as feasible and shall provide free or reduced-price food and milk services to qualified School District students. All records concerning federally funded school food and milk programs will be maintained in a separate and distinct manner.

The Board of Education has entered into an agreement with the New York State Education Department (“SED”) to participate in the National School Lunch Program, School Breakfast Program and/or Special Milk Program to receive commodities donated by the United States Department of Agriculture and to accept responsibility for providing free and reduced-price meals to elementary students in the schools of the School District.

The Superintendent of Schools or their designee will have the responsibility to carry out the rules of the School Lunch and Breakfast Programs.

Notice of the availability of the free and reduced-price meal programs will be sent to: (a) the homes of students; (b) local media; (c) the local unemployment office; and (d) large employers experiencing layoffs in the area from which the School District draws its attendance. Any child who is a member of a family unit whose income is below the federally established eligibility thresholds shall be eligible to receive such services.

Information concerning the availability of free and reduced-price meals will be provided to the parents/guardians of all students enrolled in the School District prior to the start of the school year. The School District shall provide a free, printed meal application in every school enrollment packet. Alternatively, if the school or School District chooses to use an electronic meal application, then the school enrollment packets will include an explanation of the electronic meal application process and instructions for how parents or guardians may request a paper application at no cost.

To apply for the free or reduced-price meal program:

- a) Application forms will be available in the main office of each school building, the School District's administrative offices and the School District website and can be completed and submitted at any time during the year. Families may apply for free-reduced price meals at any time during the school year.
- b) Completed forms must be submitted to the Building Principal where the student attends, or the Food Service Director prior to any determination of eligibility.
- c) The parent or guardian will be informed of the Food Service Director's determination within one week of receiving a properly completed application.
- d) If a school or School District becomes aware that a student who has not submitted a meal application is eligible for free or reduced-free meals, the school or School District shall complete and file an application for the student pursuant to determining eligibility for free and reduced-price meals and free milk in schools.
- e) Schools will coordinate with their McKinney-Vento Liaisons and any other foster, homeless, migrant, and runaway student coordinators to certify eligible students. School liaisons required for foster, homeless, migrant, and runaway students shall coordinate with the nutrition department to make sure such students receive free school meals in accordance with federal law.

Free or reduced-price meals may be allowed for qualifying students attending the School District upon receipt of a written application from the student's parent or guardian or a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance ("OTDA"). Applications will be provided by the School District to all families.

Upon written request, the Superintendent of Schools or their designee will hear appeals of determinations regarding such services in compliance with federal regulations governing the National School Lunch Program.

In addition, to help reach students who are categorically eligible for free and reduced-price meals and to comply with state law, three times per school year the Food Service Director will review the list made available by the State Education Department of children ages three to 18 who are in households receiving federal food assistance, Medicaid benefits (for certain recipients), or Temporary Assistance for Needy Families ("TANF") to identify students within the School District. The School District will send a notice to those families apprising them of their student's eligibility to participate in the school meal programs without further application. Parents may decline participation by informing the School District in writing. If the service is declined, the student will be removed from the eligibility list.

School District officials must also determine eligibility for free or reduced meals and milk by using the Direct Certification Matching Process, a dataset supplied by OTDA, and made available by the SED. Any student receiving federal assistance through Supplemental Nutrition Assistance Program ("SNAP") or TANF is automatically eligible for free meals and milk. There is no need for families to complete further applications. The School District will notify parents or guardians of eligibility, giving them the opportunity to decline free meals and milk if they so choose.

# VALLEY STREAM UNION FREE SCHOOL DISTRICT TWENTY-FOUR

## SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)

Policy 5148

---

In the event seventy percent (70%) or more of students enrolled in a school of the School District are eligible for free or reduced-price meals, that school shall offer all students in attendance at the school a school breakfast after the instructional day has begun, in accordance with the law and Commissioner's Regulations. In addition, the school will provide notice to each student's parents or guardians that the school will be offering free school breakfast after the instructional day has begun. SED will annually publish a list of all schools meeting this requirement.

### Child Nutrition Program

Since the School District participates in the Child Nutrition Program, the Board of Education approves the establishment of a system to allow a student to charge a meal.

### Charging Meals

The School District operates and maintains a point-of-sale system for the purpose of providing parents/guardians of students enrolled in the School District with the ability to fund school meals. The School District's point of sale system allows for automatic replenishment when a balance reaches a certain amount set by the parent/guardian of the student. The School District will encourage parents/guardians of students in the School District to avail themselves of this option. Funds remaining in a student's school meal account at the end of a school year will be carried over to the next school year. When a student ceases attendance in the School District and/or graduates from the School District, the School District will refund any funds remaining in the student's account to the parent/guardian. Parents/guardians may request that said remaining funds be transferred to one of their other children who remain enrolled in the School District. Unclaimed funds remaining after ninety (90) days shall be retained in the school meal account.

The Board of Education recognizes that, on occasion, students may forget to bring meal money to school. To ensure that students do not go hungry, but also to promote responsible student behavior and to minimize the fiscal burden on the School District, the Board of Education will allow students who may forget meal money to "charge" the cost of meals to be paid back later subject to the terms of this policy. The School District shall not charge any interest or fees in connection with any meals charged. Nothing in this policy is intended to allow for the unlimited accrual of debt.

As part of its efforts to decrease student distress or embarrassment connected with unpaid meal charges, the School District shall not:

- a) Publicly identify or stigmatize a student who cannot pay for a meal or who owes a meal debt by any means including, but not limited to, requiring that a student wear a wristband or hand stamp;
- b) Require a student who cannot pay for a meal or who owes a meal debt to do chores or other work to pay for meals;
- c) Require that a student throw away a meal after it has been served because of the student's inability to pay for the meal or because money is owed for earlier meals;

- d) Take any action directed at a student to collect unpaid school meal fees. A school or School District may attempt to collect unpaid school meal fees from a parent or guardian, but shall not use a debt collector or file a lawsuit against the student's parent or guardian; or
- e) Discuss any outstanding meal debt in the presence of other students.

The School District's administration will discreetly notify parent/guardians of students who regularly have insufficient funds in their school meal accounts of the application process for free and/or reduced-price meals.

To comply with State guidelines, to maintain a system for accounting for charged meals regarding both full and reduced-price meals, and to establish a procedure for handling unpaid meal charges, the School District shall:

- a) Allow only regular reimbursable meals, defined as items on the menu, excluding extras and snacks, to be charged;
- b) Carry all charges not paid before the end of the school year to be carried forward into the next school year;
- c) Provide parents with an opportunity to establish a repayment schedule for outstanding meal charges;
- d) Determine eligibility for free or reduced-price meals when a student owes money for five or more meals. The School District shall:
  - Make every attempt to determine if a student is directly certified to be eligible for free meals; and
  - Make at least two attempts, not including the application or instructions included in a school enrollment packet, to reach the student's parent or guardian and have the parent or guardian fill out a meal application; and
  - Contact the parent or guardian to help with a meal application, determine if there are other issues within the household that have caused the child to have insufficient funds to purchase a school meal and offer any other assistance that is appropriate.
- e) Notify parents on a timely basis of outstanding charges; and
- f) Use a computer-generated point of sale system which identifies and records all charged meals, as well as for collecting repayments

Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. Any repayment schedule shall not include any interest or fees in connection with meals charged. When charges are paid, these monies are not to be considered "a la carte" transactions, as a section on the daily cash report or deposit summary reads "charges paid." Students eligible for free meals shall not be denied a reimbursable meal even if they have accrued a negative balance from other cafeteria purchases. Such student shall be provided with the student's meal of choice for that school day of the available reimbursable meal choices for such school day, if the student requests one, unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal. No student with unpaid charges will be prohibited from purchasing food if they have money that day.

# VALLEY STREAM UNION FREE SCHOOL DISTRICT TWENTY-FOUR

## SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)

Policy 5148

---

The School District shall send a letter home to all parents on an annual basis, prior to the opening day of school, notifying them of the requirements of this policy. The policy shall also be published in appropriate school and School District publications, as well as on the School District's website.

The School District will provide training to staff concerning the procedures to be used in the event a student's unpaid meal charges exceed twenty-five dollars (\$25.00) and the manner in which affected parents/guardians will be provided with assistance in establishing eligibility for free or reduced-price meals.

This policy applies to all paying students whether they are paying full-price or reduced-price.

### References

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265 Child Nutrition Act 1966, 42 U.S.C. § 1779  
Richard B. Russell National School Lunch Act 1946, 42 U.S.C. § 1758(f)(1), 1758(h)(1); 1766(a)  
§ 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 *et seq.*  
IDEA, 20 U.S.C. §§ 1400-1485 7 C.F.R. Parts 15B, 210, 220 and 245  
2 C.F.R. § 200.426  
Healthy, Hunger-Free Kids Act (Public Law 111-296), § 143  
15 U.S.C. § 1692a  
N.Y. Education Law §§ 902(b), 908, 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)  
8 N.Y.C.R.R. §§ 114.5, 200.2(b)(1) and 200.2(b)(2)  
10 N.Y.C.R.R. Subpart 14-1  
N.Y. Social Services Law § 95

Adoption Date: September 26, 2018

Revised: November 17, 2021

Revised: January 25, 2023

Revised: December 13, 2023