

SCHOOL FOOD SERVICE PROGRAM AND MEAL CHARGE POLICY

I. Statement of Policy

- A. The BOCES participates in the USDA Child Nutrition Programs including the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and operates the BOCES' program within the requirements of the federal and state regulations and guidelines applicable to the programs.
- B. The BOCES shall apply for funding under the Community Eligibility Provision (CEP) for each school year for which CEP is available and the BOCES meets the eligibility criteria.
 - 1. If the BOCES receives funding pursuant to CEP then meals will be provided to all students without cost to the student, consistent with all regulations applicable to CEP and the amount of funding received. Records shall be maintained in the form necessary to ensure the BOCES' compliance and continued eligibility.
 - 2. If the BOCES does not receive CEP funding for a particular school year, free and reduced price meals shall be provided to students in accordance with this Policy, as set forth below.
- C. The BOCES' food service program shall be managed so that the nonprofit school food service account does not operate at a deficit, and so that subsidies from the general fund are limited.
- D. The BOCES provides each student 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 withhold a meal.
- E. The BOCES recognizes that the responsibility for payment of meal charges rests with a student's parent or guardian and not the student. Therefore, when a student's meal account is delinquent, as described in this Policy, communications regarding correcting the delinquency shall take place only with the parent or guardian and not with the student, and the student shall not be shamed or treated differently than a student whose meal account is not delinquent.
- F. To the extent consistent with prudent fiscal operation of the food service program and sound nutritional practices, the School Food Service Director shall attempt to purchase at least thirty percent of the total food cost for the school lunch service program from New York State farmers, growers, producers, or processors, and shall

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take the necessary steps to apply for all State-funded subsidies when that goal is met.

II. Eligibility for Free and Reduced Meals

- A. To extend the benefit of the program to all eligible students, the BOCES will communicate to families the eligibility for free and reduced meals, the procedures for applying and the BOCES' policies and procedures regarding meal charges set forth in this Policy.
1. At the beginning of each year, information letters shall be sent to households of children attending the school to inform families about the Child Nutrition Programs and that free or reduced price meals or free milk may be available to children, and the procedures for applying for enrollment in the program.
 2. The letters may be distributed by regular mail, e-mail addressed to the parent or guardian, or included in information packets provided to students.
 3. The information provided to each family at the beginning of each school year shall include a printed application for enrollment in the federal free and reduced price lunch program, or instructions on how to file an electronic application and instructions on how to obtain a paper application at no cost.
 4. The information provided at the beginning of each school year shall identify the BOCES' School Food Service Director, provide that person's contact information, and inform families that they may contact that person to request assistance in applying for federal free and reduced price lunch benefits.
 5. When a student owes money for at least five meals, the BOCES will take the following steps to explore the student's eligibility for federal free and reduced price lunch benefits:
 - a. make all reasonable attempts to determine if the student is directly certified as eligible for free meals;
 - b. make at least two attempts (in addition to the packet sent home at the beginning of the year) to reach the student's parent or guardian;
 - c. encourage the parent or guardian to complete the application for federal free and reduced price lunch benefits, and offer assistance in completing that application;

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- d. determine if there are other issues within the household that have caused the student to have insufficient funds to purchase a school meal; and
 - e. offer any other assistance that is appropriate.
 6. If the BOCES becomes aware that a student whose parent or guardian has not submitted an application for free or reduced price lunch or milk benefits is eligible for those benefits, the School Food Service Director shall complete and file an application on behalf of the student, in accordance with the procedures set forth in 7 C.F.R. 245.6(d).
 - B. A household may apply for benefits at any time during the school year.
 1. Only one application is required for all children in the household.
 2. No application is necessary if the household was notified by the BOCES that all children have been directly certified. If the household is not sure if their children have been directly certified, they should contact the School Food Service Director.
 3. A student's status as eligible for free and reduced price meals shall carry over into the next school year for thirty (30) days from the start of school attendance.
 4. A student that transfers from a Community Eligibility Provision (CEP) or Provision 2 (P2) participating school to a non-participating school shall be deemed eligible for free and reduced price meal benefits for thirty (30) days or until a new eligibility determination is made, whichever occurs first.
- III. Meal Payments and Deferred Payments (Meal Charge)
 - A. Students may charge meals in accordance with the following rules:
 1. Students are expected to pay for meals at the school's published meal rate each day. Families are expected to maintain funds in accounts to minimize the possibility that a child may be without meal money on any given day.
 2. Students may charge complete reimbursable meals only.
 3. All students will be provided with meal charge opportunities pursuant to this policy, regardless of whether they receive full price, reduced price, or free meals.

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4. When the balance on a student's meal card or MySchoolBucks is exhausted the BOCES will provide the student with the student's meal of choice of the available reimbursable meal choices for that school day, if the student requests one, unless the student's parent or guardian has specifically provided written permission to withhold a meal..
 5. No student with a negative meal card or MySchoolBucks account balance will be allowed to charge any a la carte items, including snacks, extras, or beverages.
 6. The information provided at the beginning of each school year shall include an explanation of the BOCES' Policy on charging meals, and shall provide each parent or guardian with a procedure for notifying the BOCES that their student should not be allowed to charge meals.
- B. The BOCES is committed to ensuring that federal reimbursements, children's payments and other non-designated nonprofit food service revenues do not subsidize meals for adults. The BOCES therefore adheres to a "no charge" meal purchase policy for adults.
- IV. Communication of Policy to Families, Students, and Staff
- A. This Policy will be submitted to the Commissioner and then posted on the BOCES's website.
 - B. The BOCES will communicate this policy to parents/guardians in writing at the start of each school year and upon enrollment during the school year through the BOCES website and/or newsletters home to parents.
 - C. The BOCES will provide this policy to all school staff responsible for enforcement, including but not limited to, school food service professionals for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, school social workers, school nurses, the homeless liaison, other staff members assisting children in need (or who may be contacted by families with unpaid meal charges), and any staff involved in enforcing any other aspects of this policy.
 1. The BOCES' liaison for providing services to homeless, foster, and migrant students shall coordinate with the School Food Service Director to insure that these students are eligible to receive free meals in accordance with federal law.

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2. Time shall be provided on one or more Superintendent Conference Days to provide staff with training with respect to this Policy and the BOCES' procedures for implementing it. Staff shall be informed that it is the BOCES' Policy to decrease student distress or embarrassment when a meal account is delinquent, and that no staff member is to: publicly identify or stigmatize a student who cannot pay for a meal or who owes a meal debt by any means, including wearing a wrist band or hand stamp; require a student who cannot pay for a meal or who owes a meal debt to do chores or other work to pay for a meal; 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; take any action directed at a student to collect unpaid school meal fees; or discuss any outstanding meal debt in the presence of other students.

V. Nonprofit School Food Service Account (NSFSA)

- A. When outstanding student charges accrue \$5.00 resulting from nonpayment for school meals, a letter and this Policy will be forwarded by mail or email from the Food Service Director notifying the parent/guardian of the insufficient account balance. This notification may include a repayment schedule for unpaid meal charges. These outstanding meal charges shall be classified as delinquent debt.
 1. The BOCES' collection efforts shall include communications only with the parent or guardian, not the student.
 2. The BOCES will take the following steps to collect delinquent amounts from a parent or guardian:
 - a. The School Food Service Director shall notify the parent or guardian that the student's meal card or account balance is exhausted and meal charges are due. This notice shall include a proposed repayment schedule.
 - b. If after fifteen business days from the notice provided by the School Food Service Director the parent or guardian has not responded, or the response has not corrected the problem or established an acceptable repayment plan, then a second notification shall be sent to the parent or guardian, with a copy of this Policy, from the BOCES Treasurer.
 3. The BOCES will not charge interest or finance charges and will not utilize a debt collector, as defined in federal law (15 U.S.C. 1692a).

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- B. The BOCES shall continue efforts to collect delinquent debt until the 30th of July following the school year during which the debt was incurred or for a period of 3 months after the last partial payment was made against the debt, whichever is later. When this collection period has expired, any remaining delinquent debt will be classified as bad debt for purposes of the BOCES' accounts. Bad debt will be written off into accordance with the BOCES' usual accounting procedure.
- C. Delinquent debt is not an allowable cost to the nonprofit school food service account and cannot be absorbed by that account at the end of the school year or carried forward to the next school year. The BOCES will therefore subsidize the nonprofit school food service account for all unpaid meals by June 30th of each school year using nonfederal funds. However, the BOCES reserves the right to continue debt collection efforts to the next school year.

VI. Breakfast Program

- A. When a BOCES school is identified by the State Education Department as meeting the threshold that seventy percent or more of the students attending the school qualify for free or reduced price lunch meals, the BOCES shall provide a breakfast program at that school in compliance with state law; provided that, if the Superintendent, in consultation with the School Food Service Director, determines that the BOCES meets the requirements for a waiver of this requirement, then the Superintendent may apply to the Commissioner of Education for such a waiver.
- B. When the BOCES provides a mandated breakfast program, the Superintendent shall determine the service delivery model that best suits BOCES students, after consulting with teachers, parents, students, and members of the community. Notice will be provided to parents and guardians of students at the affected school that the BOCES will be providing breakfast after the start of the instructional day and the service delivery model being implemented.

Hamilton-Fulton-Montgomery Board of Cooperative Educational Services

Legal Ref: 7 CFR 210.12, 245.5, 245.6(d); 15 USC 1692a;; 42 USC 1758(b) (2)(A); Education Law §908; Ch. 537 of the Laws of 1976 as amended by Ch. 56 of the Laws of 2018; May 2006 Memo from SED's Frances N. O'Donnell to Food Service Directors/Managers; August 2005 Memo from USDA titled "*Establishing A Meal Charge Policy.*" July 8, 2016 Memo from USDA titled "*Clarification on Collection of Delinquent Meal Payments.*" May 1, 2018 Memo from SED titled "*New York State Legislation – Prohibition Against Meal Shaming.*"

Adopted: 09/25/13

Revised: 02/28/18, 01/31/19