

# Multnomah Education Service District

Code: **EFAA-AR**  
Adopted: 11/28/11  
Revised/Readopted: 2/19/13; 1/20/15; 9/28/16;  
6/20/17

## **Reimbursable School Meals and Milk Programs**

(National School Lunch Program, School Breakfast Program, Special Milk Program and other programs)

MESD nutrition and food services will be operated in accordance with the following requirements:

### **Meal Pricing Procedures**

1. The MESD does not operate the Special Milk Program (SMP) at schools where students do not have access to program meals. If the MESD elects to operate the SMP in the future, we 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
  - c. 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/snacks will be priced as a unit.
3. Reimbursable meals will be served free or at a reduced price to all children who are determined to be eligible for free or reduced price meals.
4. Annually, the MESD will establish prices for reimbursable student meals. The price charged to students who do not qualify for free or reduced price meals will be established annually by the MESD 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 MESD in compliance with state and federal laws<sup>2</sup>.

### **Application Procedures**

1. 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 for the students listed on the official document. The MESD must access this document at least three times per year.
2. Students receiving support through the migrant education program, Runaway and Homeless Youth Act, McKinney-Vento Homeless Assistance Act, federal Head Start and state-funded prekindergarten programs, with income eligibility criteria identical or more stringent than federal Head Start, or are in state or court placement foster care, will be automatically eligible for free meals for the students listed on the official documents.

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<sup>1</sup>The new requirement under Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. 1751 §§ 203 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).

3. Households that submit a confidential application will be notified of their student's eligibility for free or reduced price meals. Households that are denied free or reduced price benefits will be notified in writing using the Oregon Department of Education (ODE) template letter distributed to the MESD annually.
4. On a case-by-case basis, when a student is known to be eligible for free or reduced price meal 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 an MESD official, will be notified of the decision and given the opportunity to decline benefits.
5. Students who do not qualify for free or reduced price meals are eligible to participate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and may be charged "paid" meal/snack/milk prices set by the MESD. "Paid" category students will be treated equally to students receiving free or reduced price benefits in every aspect of the MESD's NSLP.
6. The MESD 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.
7. In the event of major employers contemplating large layoffs in the attendance area of the MESD, the MESD will provide confidential applications and eligibility criteria for free and reduced price meals to the employer for distribution to affected employees.

#### **Financial Management of the Nonprofit School Food Service**

1. The MESD will maintain a nonprofit nutrition and food service operation.
2. Revenues earned by the nutrition and food services will be used only for the operation or improvement of NSLP and SBP.
3. Lunch and breakfast meals served to teachers, administrators, custodians and other adults not directly involved with the operation of the MESD'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. MESD nutrition and food services revenues will not be used to purchase land or buildings.
5. The MESD will limit its nutrition and food services net cash resources to an amount that does not exceed three months average expenditures.
6. The MESD 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 MESD will meet the requirements for allowable NSLP and SBP costs as described in C.F.R. 200.
8. In purchasing nutrition and food services goods or services, the MESD 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.

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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 the reimbursement for a free-eligible meal, plus the value of the commodity foods used in meal preparation.

9. All procurement transactions for nutrition and food services goods and services will be conducted according to state, federal and MESD procurement standards using the applicable cost thresholds.
10. In the operation of its nutrition and food services program, the MESD will purchase food products where at least 50 percent of the ingredients are produced or processed in the United States, whenever possible.

### **Civil Rights and Confidentiality Procedures**

1. The MESD will not discriminate against any student because of his/her eligibility for free or reduced price meals.
2. The MESD will not discriminate against any student or any nutrition and food services employee because of race, color, national origin, sex, religion, age or disability.
3. The MESD 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 MESD procedures will be followed for receiving and processing civil rights complaints related to applications for NSLP and SBP benefits and services, and employment practices with regard to the operation of its NSLP and SBP. The MESD will forward any civil rights complaint regarding the MESD's nutrition and food services to ODE's director of Child Nutrition Programs within three days of receiving the complaint.
5. The MESD will make written or oral translations of all nutrition and food services materials available to all households who do not read or speak English.
6. The MESD will maintain strict confidentiality of all information obtained through a confidential application for free and reduced price meals, or direct certification, including students' eligibility for free or reduced price meals and all household information. The MESD's NSLP and SBP operators are not required to release any information from a student's confidential application for free or reduced price meals. No information may be released from a student's eligibility information 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, SMP, SBP, CACFP, SFSP or SNAP or the Food Stamp Program.
  - b. Any other confidential information contained in the confidential application for free and reduced price meals (family income, address, etc.) may be released without written consent only to persons who operate or administer the NSLP, SMP, SBP, 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 served for reimbursement will meet the nutrition standards established by the U.S. Department of Agriculture (USDA) and Oregon Smart Snacks Standards.
2. Meals served for reimbursement will meet at least the minimum NSLP and SBP requirements for food item and quantities and menu items and nutrient standards.
3. Meals served for reimbursement will:

- a. Meet all calorie range requirements by grade level;
  - b. Meet the maximum standards set for saturated fat;
  - c. Meet the maximum standards set for sodium by grade level;
  - d. Meet the requirement for zero grams of trans fats.
4. 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 MESD program breakfasts, as applicable, will be made available upon request.

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

1. The MESD will accept and use commodity foods (assigned to districts that provide the food service for MESD) in as large a quantity as may be efficiently utilized in the NSLP.
2. The MESD will maintain necessary safeguards to prevent theft or spoilage of commodity foods.
3. The value of commodity foods used for any food production other than NSLP, SBP, SFSP or snacks shall be replaced in the food service inventory.

#### **Accuracy of Reimbursement Claims**

1. The MESD will claim reimbursement only for reimbursable meals served to eligible children.
2. All meals claimed for reimbursement will be counted at each dining site at a "point of service" where it can be accurately determined that the meal meets NSLP and SBP requirements for reimbursement.
3. The person responsible for determining reimbursability of meals will be trained to recognize a reimbursable meal/snack under the menu planning approach used.
4. The MESD official submit the claim for reimbursement will review and analyze monthly meal counts to ensure accuracy of the claim, before submitting the claim to ODE.
5. Annually, by November 15, the MESD 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 MESD in October each year.

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

1. The MESD will maintain necessary facilities for storing, preparing and serving food and milk.
2. Semiannually, the MESD will schedule food safety inspections with the county Environmental Health Department for each school or dining site under its jurisdiction.
3. The MESD 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 MESD 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 MESD will provide substitute foods for students with a disability<sup>4</sup> that restricts their diet when supported by a written statement from a state-licensed health care professional, who is authorized to write medical prescriptions. Substitutions will be provided only when a medical statement from the licensed health care professional is on file at the ESD. The medical statement must state the nature of the child's impairment so its effect on the student's diet is understood, and what must be done to accommodate the impairment. The MESD will not charge more than the price of the school meal, as determined by the child's eligibility status, for meals with the accommodation.
5. The MESD will control the sale of competitive foods.
6. The MESD 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.
7. The MESD will notify all households of its meal charge requirements early in the school year.
8. The sale of foods (other than FMNV) in competition with the MESD'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 MESD'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.

### **Record Keeping**

The following document will be maintained by the ESD for three years after the current school year or longer, in the event of an unresolved audit(s), until the audits have been completed:

1. All currently approved and denied confidential applications for free and reduced price meals, all current direct certification documents, eligibility verification documents and school membership or enrollment lists ;
2. Financial records that account for all revenues and expenditures of the ESD's nonprofit nutrition and food services programs, including procurement documents;
3. Records (i.e., recipes, ingredient lists and nutrition fact labels or product specifications) that document the compliance with nutrition standards for all program and competitive foods available for sale to students at a school campus;
4. Documents of participation data (i.e. meal counts) from each school operated by the ESD to support claims for reimbursement;
5. Production and menu records;
6. Records to document compliance with Paid Lunch Equity; and
7. Records to document compliance with Revenue from Non-program Foods; and.
8. Internal program monitoring documents for NSLP and SBP.

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<sup>4</sup>To comply with Section 504 as it relates to a student's severe food allergy, such as milk, gluten, nut or soy, and including but not limited to diabetes, colitis, etc.