

Northwest Regional ESD

Code: EFAA-AR

Adopted: 6/16/2020

Reimbursable Meals and Milk Programs

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

(Required if the ESD operates a school and receives reimbursement for meal services from ODE.)

The ESD's nutrition and food services will be operated in accordance with the following requirements:

Meal Pricing Procedures

1. The ESD may operate the Special Milk Program (SMP) at schools where students do not have access to program meals. Under SMP, the ESD 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 and afterschool snacks will be priced as a unit.
3. Reimbursable meals, milk, and afterschool snacks will be served free or at a reduced price to all children who are determined by the ESD to be eligible for free or reduced price meals and free milk.
4. Annually, the ESD will establish prices for reimbursable student meals, milk, and afterschool snacks. The price charged to students who do not qualify for free or reduced price meals or free milk will be established annually by the ESD in compliance with state and federal laws.
5. The price charged to students who qualify for reduced price meals will be established annually by the ESD in compliance with state and federal laws.
6. The ESD will offer SMP with the free option to students who are not able to participate in the ESD's lunch or breakfast programs.
7. The ESD will implement claiming alternative Provision at the following schools under its jurisdiction: Cascade Academy, Pacific Academy, Columbia Academy, and Outdoor School Program.
8. The ESD will implement claiming alternative Community Eligibility at the following schools under its jurisdiction: Cascade Academy, Pacific Academy, Columbia Academy, and Outdoor School Program.

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, afterschool snacks, and milk for the students listed on the official document. The ESD 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, afterschool snacks, and milk, for the students listed on the official documents.
3. 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 ESD annually.
4. 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 an ESD 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 or free milk are eligible to participate in the SMP, National School Lunch Program (NSLP), School Breakfast Program (SBP) and will be charged "paid" prices set by the ESD. "Paid" category students will be treated equally to students receiving free or reduced price benefits in every aspect of the ESD's NSLP, SMP, SBP, Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP).
6. The ESD 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 ESD, the ESD 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 ESD 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, SMP, SBP, CACFP, and SFSP.

3. Lunch and breakfast meals served to teachers, administrators, custodians and other adults not directly involved with the operation of the ESD's nutrition and food services will be priced to cover all direct and indirect costs of preparing and serving the meal.¹
4. The ESD nutrition and food services revenues will not be used to purchase land or buildings.
5. The ESD will limit its nutrition and food services net cash resources to an amount that does not exceed three months average expenditures.
6. The ESD 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 ESD will meet the requirements for allowable NSLP, SMP, SBP, CACFP, and SFSP costs as described in 2 C.F.R. 200.
8. In purchasing nutrition and food services goods or services, the ESD 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 ESD procurement standards using the applicable cost thresholds.
10. In the operation of its nutrition and food services program, the ESD 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 ESD will not discriminate against any student because of his/her eligibility for free or reduced price meals.
2. The ESD will not discriminate against any student or any nutrition and food services employee because of race, color, national origin, marital status, sex, sexual orientation, parental status, religion, age or disability.
3. The ESD 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 ESD procedures will be followed for receiving and processing civil rights complaints related to applications for NSLP, SMP, SBP, CACFP, and SFSP benefits and services, and employment practices with regard to the operation of its NSLP, SMP, SBP, CACFP, and SFSP. The

¹ 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.

ESD will forward any civil rights complaint regarding the ESD's nutrition and food services to ODE's director of Child Nutrition Programs within three days of receiving the complaint.

5. The ESD 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 ESD will maintain strict confidentiality of all information obtained through a confidential application for free and reduced price meals or free milk or direct certification, including students' eligibility for free or reduced price meals and all household information. The ESD's NSLP, SMP, SBP, CACFP, and SFSP 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 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, SBP, SMP, CACFP, SFSP or SNAP.
 - b. Any other confidential information contained in the confidential application for free and reduced price meals or free milk (e.g., family income, address, etc.) may be released without written consent only to persons who operate or administer the 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 afterschool snacks served for reimbursement will meet the nutrition standards established by the U.S. Department of Agriculture (USDA) and Oregon Smart Snacks Standards.
2. Meals and afterschool snacks served for reimbursement will meet at least the minimum NSLP, SBP, CACFP, and SFSP requirements for food items and quantities.
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; and
 - d. Meet the requirement for zero grams of trans fats.
4. The ESD 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 ESD 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.
6. The ESD 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, including one-half cup of fruit or vegetable offered in program lunches.
7. The ESD 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.
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 ESD for program breakfasts, as applicable, will be made available upon request.

Use and Control of Commodity Foods

1. The ESD will accept and use commodity foods in as large a quantity as may be efficiently utilized in the NSLP, SBP, SFSP.
2. The ESD 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 afterschool snacks shall be replaced in the food service inventory.

Accuracy of Reimbursement Claims

1. The ESD will claim reimbursement only for reimbursable meals, afterschool snacks, and milk served to eligible children.
2. All meals, afterschool snacks, and 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, afterschool snack and milk meets NSLP, SMP, SBP, CACFP, and SFSP requirements for reimbursement.
3. The person responsible for determining if the meals and afterschool snacks are reimbursable will be trained to recognize a reimbursable meal.
4. The ESD official signing the claim for reimbursement will review and analyze monthly meal, afterschool snack, and milk counts to ensure accuracy of the claim, before submitting the claim to ODE.
5. Annually, by November 15, the ESD 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 ESD in October each year.

Food Safety and Sanitation Inspections

1. The ESD will maintain necessary facilities for storing, preparing and serving food and milk.
2. Semiannually, the ESD will schedule food safety inspections with the county Environmental Health Department for each school or dining site under its jurisdiction.
3. The ESD 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 ESD 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 ESD will provide substitute foods for students with a disability² 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 healthcare 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 ESD 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 ESD will control the sale of competitive foods.
6. The ESD 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 ESD will notify all households and appropriate staff of its meal charge requirements³ at the beginning of each school year, upon enrollment of a student or the transfer of a student. The meal charging requirements will be posted on the ESD website, and made available in the information on free and reduced-priced meals.
8. Regardless of the ability to pay, a student shall be provided a reimbursable meal upon request.
9. The sale of foods in competition with the ESD'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 ESD's nutrition and food services or accrues to a

² 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.

³ [Federal law requires the ESD to publish meal charging requirements. The ESD's charging requirements must identify how and when the information about account balances is communicated to staff, students and parents, and what collection methods will be used in delinquent balances.]

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. Students will not be charged for second servings of meals or portions of meals served.

Record Keeping

The following documents 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 audit(s) has been completed:

1. All currently approved and denied confidential applications for free and reduced price meals and free milk 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;
7. Records to document compliance with Revenue from Nonprogram Foods; and
8. Internal program monitoring documents for NSLP, SBP, afterschool snacks, CACFP, and SFSP.