



Book	Policy Manual
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Title	FOOD SERVICES
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8500 - **FOOD SERVICES**

The Board shall provide cafeteria facilities in all school facilities where space and facilities permit, and will provide food service for the purchase and consumption of lunch for all students.

The Board may also provide a breakfast program in accordance with procedures established by the ~~Department of Public Instruction~~ United States Department of Agriculture (USDA) School Breakfast Program.

The Board does not discriminate on the basis of the Protected Classes. Protected Classes include:

- A. race;
- B. color;
- C. national origin;
- D. age;
- E. sex (including gender status, change of sex, sexual orientation, or gender identity);
- F. pregnancy;
- G. creed or religion;
- H. genetic information;
- I. handicap or disability (in accordance with Policy 1623, AG 1623A, and AG 1623B);
- J. marital status;
- K. citizenship status;
- L. veteran status;
- M. military service (as defined in 111.32, Wis. Stats.);
- N. ancestry;

- O. arrest record;
- P. conviction record (in accordance with Policy 3121);
- Q. use or non-use of lawful products off the District's premises during non-working hours;
- R. declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters; or
- S. any other characteristic protected by law in its employment practices.

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages, including but not limited to the current USDA school meal pattern requirements ~~of the United States Department of Agriculture (USDA)~~ and the USDA's Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. Further, the food-service program shall comply with Federal and State regulations pertaining to the fiscal management of the program as well as all the requirements pertaining to food service hiring and food service manager/operator licensure and certification. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

The Board shall approve and implement nutrition standards governing the types of food and beverages that may be provided and sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold. In adopting such standards, the Board shall:

- A. consider the nutritional value of each food or beverage;
- B. consult and incorporate to the maximum extent possible the Dietary Guidelines for Americans jointly developed by the USDA and the United States Department of Health and Human Services; and
- C. consult and incorporate the USDA's Smart Snacks in School nutrition guidelines.

The District's food service program shall serve only food items and beverages determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Any competitive food items and beverages that are available for sale to students a la carte in the dining area between midnight and thirty (30) minutes following the end of the school day shall also comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8550 - Competitive Food Sales. Foods and beverages not associated with the food-service program may be vended in accordance with the rules and regulations set forth in Board Policy 8540 - Vending Machines.

The Superintendent will require that the food service program serve foods in the schools of the District that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report to the Board at one of its regular meetings, annually, regarding the District's compliance with the standards. ~~(→)~~The Superintendent shall assure that the District's vendors and/or Food Service Management Contractor is provided a copy of this policy and any implementing guidelines and that any pertinent agreements are consistent with this policy and any implementing guidelines. **[END OF OPTION]**

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

~~Dietary Modifications [DRAFTING NOTE: This section contains three (3) categories of circumstances in which a student may receive a modified meal. The first category "Compliant Medical Documentation" is mandatory, whereas the second two (2) categories, i.e., "Noncompliant Medical Requests" and "Requests Not Based on a Medical Statement", are optional. The Board may choose either or neither of the two (2) optional categories.]~~

Dietary Modifications

Modifications Based on Compliant Medical Documentation

An adult student or student's parent requesting special dietary accommodations for a student with a disability that restricts the diet must provide the Medical Statement for Special Dietary Needs signed by a State authorized medical authority, which is a medical professional authorized in the State of Wisconsin to write prescriptions. The request ~~must~~shall contain the following information ~~(→)~~and must be submitted on DPI Form PI-6314, Medical Statement for Special Dietary Needs **[End of Option]**:

- A. an explanation of how the student's physical or mental impairment restricts the diet;
- B. the food(s)/type(s) of foods to be avoided;
- C. the food(s)/type(s) of foods to be substituted;
- D. additional pertinent information, if any, that will assist in accommodating the student's needs.

If a Medical Statement for Special Dietary Needs is incomplete, unclear, or lacks sufficient detail, the special dietary accommodation coordinator or food service director shall request that the student or parent/guardian request that the medical authority supplement the response so that a safe meal can be provided.

A special dietary accommodation for a student who has a disability that restricts the student's diet must be supported by a Medical Statement for Special Dietary Needs, which should be submitted to ~~()~~ the ~~Food Service Director~~ of Special Education ~~Director~~ who shall serve as the Special Dietary Accommodation Coordinator ~~()~~ the ~~Special Dietary Accommodation Coordinator~~.

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[End of Options] [insert name, address, phone, email address.] [DRAFTING NOTE — at least one person must be identified as responsible for coordinating compliance with disability-based dietary modifications per 7 C.F.R. Part 15b.6.]

A student with a disability may have an IEP or 504 plan that requires specific instruction, services, or accommodation related to the student's nutritional needs. If a student's IEP or 504 plan contains the same information that is required on a Medical Statement for Special Dietary Needs, then it is not necessary to obtain and submit a separate Medical Statement for Special Dietary Needs. Form PI-6314 can be obtained from the Department of Public Instruction (<https://dpi.wi.gov/sites/default/files/imce/forms/pdf/f6314-english.pdf>) ~~()~~ or upon request to the ~~District's Food Service Director or Special Dietary Accommodation Coordinator~~ **[END OF OPTION]**.

~~Substitutions to the standard meal requirements shall be made, at no additional charge, for students who are certified by a licensed physician to have a disability that restricts the student's diet, in accordance with the criteria set forth in 7 CFR 15b.3.~~

~~A request for substitutions to the standard meal requirements shall be made, at no additional charge, for students who have received, from a healthcare provider with prescriptive authority in the State of Wisconsin, medical certification that the student's medical condition necessitates dietary restrictions for the student. The individual making such a request of the Food Service Director shall be informed that medical certification that the student has a restricted diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b., must be submitted within five (5) school days from a health care provider with prescriptive authority in the State of Wisconsin or the dietary modification may be discontinued until such statement is received.~~

The individual making an initial request for such substitutions must inform the Food Service Director or Special Dietary Accommodation Coordinator that the student has a ~~medical condition~~ disability that restricts the student's diet, ~~in accordance with the criteria set forth in 7 C.F.R. Part 15b.~~ The School District will honor the request for ~~_____ () school days. Within _____ () school days after receiving the initial request, a health care provider with prescriptive authority in the State of Wisconsin must submit medical certification that the student's medical condition restricts their diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b.~~ The substitutions may be discontinued until such medical certification is received upon receipt of the required documentation from a State authorized medical authority. If the Special Dietary Accommodation Coordinator is unable to grant a requested accommodation following receipt of the medical authority's statement, the student or parent shall be provided with an explanation of the basis for the decision. Compliant requests shall be immediately implemented.

The medical certification must identify:

- ~~A. the student's medical condition or symptoms of a condition that restricts one (1) or more major life activity or function;~~
- ~~B. an explanation of how the condition or symptoms affect the student's diet; and~~
- ~~C. the food(s) to be omitted from the student's diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).~~

Disability Accommodation Grievance Procedure

The following procedure is intended to provide prompt and equitable resolution to any concern or disagreement regarding the food service program's administration of meal modifications made or requested on the basis of a student's disability. None of the procedures described in this policy section shall prevent a student or parent from pursuing a complaint with any State or Federal agency, including the USDA, using the procedures described at the end of this policy.

- A. If an initial request for accommodation in the form of substituted meals is denied, the student or parent may request review of that decision by the ~~() Building Principal () District's Compliance Coordinator () Superintendent ()~~ **End of Options DRAFTING NOTE: the grievance procedure can be designed as appropriate for each District** and shall provide any communications between the student or parent and food service officials concerning the accommodation request, any documentation provided by a medical authority, and any additional information the student or parent believes is pertinent to the decision. A review of the materials provided and of the initial decision shall be completed and a response provided to the student or parent as soon as practicable following receipt of the request for review. If the initial decision is reversed, including due to additional information provided on review, the dietary accommodations shall be implemented without delay. If the initial decision is affirmed ~~() the decision is final () the decision may be appealed to the Superintendent whose decision is final ()~~ **[End of Options]**.
- B. Any other complaint or disagreement with the food service administration concerning implementation of special dietary accommodations based on a student's disability shall be presented to the Special Dietary Accommodation Coordinator. The student or parent shall specify the nature of the concern and any requested remedy in writing. The Coordinator shall promptly review the grievance and either contact the student or parent for any required clarification of the request or to seek to reach an agreement regarding how to best address the concern. If no agreement is reached, the Coordinator shall make a determination and notify the student or parent in writing as soon as practicable. If the grievance is affirmed in any respect, the Coordinator shall propose a plan for implementing appropriate remedial measures. If the student or parent is dissatisfied with the Coordinator's determination, the student or parent may submit a written request to the Building Principal or Superintendent for review. The administrator's determination shall be final.

IMPLEMENTATION AND DISCONTINUATION

Review

Upon receipt of a request for a special dietary accommodation, the Food Service Director or Special Dietary Accommodation Coordinator shall review the request to ensure it is supported as required by Federal law and District policy and if not, shall request additional or clarifying information from the student or parent making the request.

Implementation

When the need for a special dietary accommodation is supported by a Medical Statement for Special Dietary Needs signed by a State authorized medical authority, the District will offer a reasonable modification that effectively accommodates the student's disability. Following USDA Child Nutrition Program regulations, the School District may consider factors such as cost and efficiency and is not required to prepare a specific meal, provide a specific brand of food, or provide a meal beyond the meals provided to other students.

For students who have an IEP or 504 plan that requires specific food related accommodations, the School District shall provide the accommodation as required by law, seeking clarifying medical information, as necessary.

A special dietary request will be approved and implemented upon submission of a completed authorized Medical Statement.

Notification

~~Parents will be notified of clarifications needed or approval of a special dietary request.~~

Student Absence

If a student receiving a special dietary accommodation is absent or does not wish to participate in school lunch on a day an accommodation is planned, ~~contact the Food Service Director or~~ the student or parent shall contact the Special Dietary Accommodation Coordinator by 9:00 a.m. the same day.

Renewing A Special Dietary Request

An authorized Medical Statement does not need to be updated annually. However, the ~~Food Service Director or~~ Special Dietary Accommodation Coordinator may annually seek clarification or updates on special dietary requests.

Discontinuation of a Special Dietary Request

A special dietary request or part of a request may be discontinued by a parent by submitting the request in writing to the ~~Food Service Director~~ or Special Dietary Accommodation Coordinator.

~~The District may provide a student with a substitute meal without any certification provided that the meal still meets the USDA meal pattern for reimbursement.~~

Meal Charges

Lunches sold by the school may be purchased by students, staff members, and community residents in accordance with the administrative guidelines established by the Superintendent.

The operation and supervision of the food-service program shall be the responsibility of the Business Manager. Food services shall be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program.

An annual review of the food-service accounts shall be made by the District Auditor. Any surplus funds from the National School Lunch Program shall be used ~~in a manner permitted by law~~ to support the operation and improvement of the school meal program(s) through allowable expenditures as determined by the Superintendent. Surplus funds from a-la-carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.

Bad Debt

Bad debt incurred through the inability to collect lunch payments from students is not an allowable cost chargeable to any Federal program. Any related collection costs, including legal costs, arising from such bad debt after they have been determined to be uncollectable are also unallowable. District efforts to collect bad debt shall be in accordance with Policy 6152 - Student Fees, Fines, and Charges.

Bad debt is uncollectable/delinquent debt that has been determined to be uncollectable no sooner than the end of the school year in which the debt was incurred and after the Superintendent determines that sufficient reasonable effort and approaches to collecting the debt have been made. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, then this is classified as bad debt. Once classified as bad debt, non-Federal funding sources must reimburse the NSFSA for the total amount of the bad debt. The funds may come from the District general fund, State or local funding, school or community organizations such as the PTA, or any other non-federal source. Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 CFR 210.9(b) (17) and 7 CFR 210.15(b).

Negative Account Balances

~~**[DRAFTING NOTE: USDA regulations provide local control with respect to permitting negative lunch account balances, including prohibiting it altogether. The Wisconsin Department of Public Instruction's current position is that it does not intend to issue model policy language or guidelines concerning this issue. As a practical matter, a hard-line rule prohibiting any negative account balances is not recommended. Rather, permitting some limited negative balances to occur, while placing some restrictions on those situations, is likely the most appropriate. Nonetheless, this first option recognizes that each School District does have the choice to prohibit a negative balance without any exceptions].**~~

Students will be permitted to purchase meals from the District's food service using either cash on hand or a food service account. A student may be allowed to incur a negative food service account balance subject to the following conditions.

Students may be permitted to accumulate negative food service account balance as determined by the Superintendent. A student shall not be permitted to purchase a la carte items without sufficient account balance or cash on hand. ~~Students may be permitted to accumulate negative food service account balance () not to exceed \$_____ () not to exceed an amount equal to one school week of regular meal price [END OF OPTIONS]. () Students up to grade 8 will be allowed to incur a negative balance not to exceed \$_____. [END OF OPTIONAL SENTENCE] [DRAFTING NOTE: The Board may establish a different permissible negative balance for elementary grades to account for the students' lower level of responsibility for managing these accounts at the younger grade levels.]~~

A student who has exceeded the permissible negative balance amount in his/her/his/hers the student's account and does not have cash on hand sufficient to purchase a meal will be treated respectfully.

The District will provide meals to students with a negative balance without stigmatizing them, will provide parents of students who charge meals with notification when a student charges a meal, and will make efforts to collect the charges incurred by the students so that the unpaid charges are not classified as bad debt at the end of the school year.

If a student has a significant negative lunch account balance, the student shall be provided a regular reimbursable meal that follows the USDA meal pattern, the cost of which shall continue to accrue to the student's negative lunch account balance.

This policy and any implementing guidelines shall be provided in writing to all households at the start of each school year and to households transferring to the school or School District during the school year. The policy and implementing guidelines will also be provided to all District staff with responsibility for enforcing the policies. The policy and guidelines will be posted on the District website. **[Drafting Note: posting to the website is not sufficient to meet the notice requirement, but could be supplemental.]**

The food-service program may participate in the "Farm to School Program" using locally grown food in school meals and snacks.

~~No foods or beverages, other than those associated with the District's food service program, are to be sold during food service hours.~~

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~~The District's food service program shall serve only food items and beverages determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Any competitive food items and beverages that are available for sale to students a la carte in the dining area between midnight and thirty (30) minutes following the end of the school day shall also comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8550 Competitive Food Sales. Foods and beverages unassociated with the food service program may be vended in accordance with the rules and regulations set forth in Board Policy 8540 Vending Machines.~~

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~~The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and Board policy and shall provide a report regarding the District's compliance with the standards at one of its regular meetings annually. The Superintendent shall assure that the District's vendors and/or Food Service Management Contractor is provided a copy of this policy and any implementing guidelines and that any pertinent agreements are consistent with this policy and any implementing guidelines.~~

Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. The District's nondiscrimination statement below is complementary to the District's nondiscrimination policies, including Policy 2260 - Nondiscrimination and Access to Equal Opportunity and Policy 1422/Policy 3122/Policy 4122 - Nondiscrimination and Equal Employment Opportunity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: ~~https://www.usda.gov/sites/default/files/documents/USDA_OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf~~<https://www.usda.gov/sites/default/files/documents/ad-3027.pdf> or <https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/sfa-civil-rights-complaints-procedure-template.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. Mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

2. Fax:
(833) 256-1665 or (202) 690-7442; or

3. E-mail:
program.intake@usda.gov.

This institution is an equal opportunity provider.

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T.C. 6/21/21
Revised 1/17/22
T.C. 4/17/23

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Legal

SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

SP 59-2016 Modifications to Accommodate Disabilities in the School Meal Program

OMB Circular No. A-87 USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)

Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.

Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.

42 U.S.C. 1758

15.137, Wis. Stats.

93.49, Wis. Stats.

115.34 - 115.345, Wis. Stats.

120.10(16), Wis. Stats.

120.13(10), Wis. Stats.

7 C.F.R. Part 15b

7 C.F.R. Part 210

7 C.F.R. Part 215

7 C.F.R. Part 220

7 C.F.R. Part 225

7 C.F.R. Part 226

7 C.F.R. Part 227

7 C.F.R. Part 235

7 C.F.R. Part 240

7 C.F.R. Part 245

42 U.S.C. Chapter 13