



POLICY 6.176

4-A I recommend that the Board approve adoption of the proposed **new** Policy 6.176, entitled "Free and Reduced-Price Meals"

[Contact: Mike Burke, PX 48584 and Allison Monbleau, PX 52021.]

Adoption

CONSENT ITEM

- The proposed policy was approved for development at the February 25, 2015 Board meeting.
- The following proposed new policy:
 - Establishes guidelines to govern free and reduced price meals as required by the National School Lunch and School Breakfast Programs and the State of Florida
 - Requires the District to make a link to the online applications for free and reduced price meals available on the District's website, and paper copies in schools, prior to the beginning of the school year
 - Authorizes the Director of School Food Services or designee to administer the application process and to determine student eligibility
 - Provides for notification to parents of the approval or denial of an application, right to appeal a determination, appeals procedures, and the designation of a hearing officer
 - Prohibits discrimination in the food service program, including the segregation of students due to inability to pay and the publication of eligible student names
 - Prohibits meals being used to discipline students
 - Outlines responsibilities for the School Food Service Department regarding the free and reduced-price meal program
 - Requires applications and records to be confidential, and permits the superintendent to designate certain employees to use such records for disaggregation of academic data and/or identification of students for certain programs/services

POLICY 6.176

FREE AND REDUCED PRICE MEALS

1. Purpose

The Board recognizes the importance of good nutrition to each student's educational performance, and that some families may be unable to provide breakfast and lunch meals for their children. This policy is to ensure that well-balanced nourishing meals are provided to District students while ensuring the District's compliance with the federal laws and regulations governing the National School Breakfast and Lunch Programs, Fla. Stat. § 570.981 and Florida Department of Agriculture and Consumer Services Rules.

2. Scope

This policy applies to all District students whose families qualify for free or reduced price meals in accordance with federal and state laws and regulations.

3. Definitions

For the purposes of this policy, the following definitions shall be applicable.

- a. *"Free Meal"* means a meal served under the National School Lunch or School Breakfast Program to a child from a household eligible for such benefits under 7 CFR part 245 and for which neither the child nor any member of the family pays or is required to work.
- b. *"Reduced Price-Meal"* means a meal served under the National School Lunch Program or School Breakfast Program: (a) to a child from a household eligible for such benefits under 7 CFR part 245; (b) for which the price is less than the School Board designated full price of the lunch and which does not exceed the maximum allowable reduced price specified under 7 CFR part 245; and (c) for which neither the child nor any member of the family is required to work.

4. Policy Statement

In accordance with law, the District shall provide nutritionally adequate free and reduced price meals to District students whose families meet the applicable federal eligibility criteria. Prior to the beginning of each school year, applications for such free and reduced price meals shall be made available on the District's website and as paper copies in District schools.

42 **5. Administration of the Free and Reduced Price Meal Program**

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44 The School Board authorizes the School Food Service Director, or designee, to
45 administer the Free and Reduced Price Meal Application Process, including the
46 responsibility for determining a student's eligibility for the free or reduced price meal
47 program based on the criteria specified by USDA and Florida Department of
48 Agriculture and Consumer Services.

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50 The School Food Service Director, or designee, shall notify the Parent/Guardian of
51 the approval or denial of an application within ten (10) operating days of the receipt
52 of the application. If the application is denied, Parents/Guardians will be informed of
53 the reason for denial, the availability of a hearing procedure, and the name and
54 address of the designated hearing official. Any communication to household for
55 eligibility determination must be in an understandable format and to the maximum
56 extent practicable, in a language that Parents/Guardians can understand.

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58 **6. Assurance of Nondiscrimination**

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60 A. No child shall be discriminated against because of his or her race, color,
61 national origin, sex or sexual orientation, marital status, age, religion,
62 disability, genetic information, gender identity or expression in the
63 operation of the District's School Food Service program.
- 64 B. There will be no physical segregation of, or any other discrimination
65 against, any student because of his or her inability to pay the full price of
66 the meal. There shall be no overt identification of any such children. The
67 names of students eligible to receive free or reduced price meals or free
68 milk shall not be posted, published, or announced in any manner.
69 Eligible students will not be required to:
- 70 1. Use special tokens or tickets, or other means of identification.
 - 71 2. Work for their meals or milk.
 - 72 3. Use a separate dining area.
 - 73 4. Go through a separate serving line.
 - 74 5. Enter the dining area through a separate entrance.
 - 75 6. Eat meals at a different time than students who pay full price.
 - 76 7. Eat a different meal from the meal sold to students who pay full
77 price.
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80 **7. Denial of Meals**

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82 No student may be denied a meal for disciplinary reasons.
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87 **8. Confidentiality/Release of Records**

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89 All applications and records related to eligibility for free and reduced-price meal
90 program shall be confidential except as provided by law.

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92 The School Board, in accordance with U.S. Department of Agriculture (USDA)
93 regulations, authorizes the Superintendent to designate employees to use individual
94 records pertaining to student eligibility for any free and reduced-price meal program
95 for the purposes of:

- 96 a. Disaggregation of academic achievement data.
97 b. Identification of students eligible for school choice and supplemental
98 educational services in any school identified for program improvement
99 under Title I of the No Child Left Behind Act.

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101 **9. Right to Appeal**

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103 a. *Hearing Officer.* Parents or guardians shall have the right to appeal the
104 District's decision, on the application for free or reduced price meals, a
105 subsequent reduction or termination of benefits as a result of review
106 procedures or verification, and when the District challenges the
107 correctness of information in an application or the continued eligibility of a
108 child for a free or reduced price meal benefit or free milk. During the
109 appeal, hearing and disposition of the case, the student will continue to
110 receive meals at the meal benefit status in effect prior to the
111 determination being appealed. The hearing officer for such appeals shall
112 be the Chief Operating Officer.

113 b. *Hearing Procedure.* If the Parent/Guardian is dissatisfied with the
114 decision of the approving official, he/she may wish to discuss the decision
115 with the approving official on an informal or formal basis. If the parent
116 wishes to make a formal appeal, he/she may make a request either orally or
117 in writing to hearing official: Chief Operations Officer, 3340 Forest Hill Blvd,
118 West Palm Beach, FL 33406-5813, (561) 434-8454, for a hearing to appeal
119 the decision.

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121 i. A Parent/Guardian shall have an opportunity to examine, before
122 and during the hearing, the documents and records presented to
123 support the decision appealed. The hearing shall be held with
124 reasonable promptness and convenience to the Parent/Guardian,
125 and adequate notice shall be given as to the time and place of the
126 hearing. The Parent/Guardian or hi/her attorney or designated
127 representative shall have an opportunity to present verbal or
128 documentary evidence and arguments supporting his/her position,
129 an opportunity to question or refute any testimony or other

- 130 evidence, and to confront and cross-examine any adverse
131 witness(es).
132 ii. The Chief Operating Officer's ruling shall be based on the verbal
133 and documentary evidence presented at the hearing. The
134 Parent/Guardian and attorney or designated representative, if any,
135 shall be notified in writing of the ruling by the Chief Operating
136 Officer.
137 iii. A written record shall be prepared with respect to each hearing,
138 which shall include: the decision under appeal; any documentary
139 evidence and a summary of any oral testimony presented at the
140 hearing; the decision of the hearing officer, including the reasons
141 therefore; and a copy of the notification to the parties concerned of
142 the decision of the hearing official. The written record of each
143 hearing shall be preserved for a period of three years beyond the
144 current year and shall be available for examination by the
145 Parent/Guardian, attorney or a representative at any reasonable
146 time and place during such period.
147 iv. The Chief Operating Officer's ruling is final.
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150 **10. Responsibilities of School Food Service**

151 A. Palm Beach County School Food Service will:

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154 1. Communicate to all households in Palm Beach County with
155 registered students the availability of free or reduced price meals
156 and the application process. Applications are available on-line at
157 www.palmbeachschools.org/sfs. Application form for free or
158 reduced price meals will be reviewed based on the prototypes
159 and directions provided by Florida Department of Agriculture and
160 Consumer Services.
161 2. Make free and reduced price meals available to eligible enrolled
162 children whose household's income falls within the federally
163 regulated income guidelines or who qualify based on federal
164 direct certification requirements.
165 3. Ensure that there is no overt identification of any child's meal
166 status.
167 4. Establish and follow a collection procedure that will not overtly
168 identify those students receiving free or reduced-priced meals.
169 Refer to Policy 6.185(School Food Service Management).
170 5. Maintain applications and direct certification letters for five (5)
171 years plus the current year after the end of the year in which they
172 pertain.
173 6. Accept applications at any time during the year. Any
174 parent/guardian enrolling a child in a school for the first time will

- 175 be supplied with a family application or a link to an electronic
176 application.
177 7. Ensure that if a child transfers from one school to another within
178 the District, his/her status eligibility for a free or reduced price
179 meal will remain the same.
180 8. Ensure that children will be served meals immediately upon the
181 establishment of their eligibility.
182 9. Conduct verification annually of approved applications for free
183 and reduced price meals as required by the Florida Department of
184 Agriculture and Consumer Services (FLDACs) and USDA.
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188 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.42(16), Ch. 595, Fla. Stat.

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190 LAWS IMPLEMENTED: Fla. Stat. Ch. 595; 42 USC Chapters 13 and 13A *et seq.*
191 (Richard B. Russell National School Lunch Act; Child
192 Nutrition Act of 1966), Healthy, Hunger Free Kids Act of
193 2010 (Public Law 11-296); 7 CFR Parts 210, 220, 225-227,
194 235, 240, 245, 247, 250 and 252
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196 FL. DEPARTMENT OF AGRICULTURE
197 AND CONSUMER SERVICES RULES: Rules 5P-1.001; 5P-1.002; 5P-1.003, F. A.C.
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199 History: New: ___/___/2015.

Legal Signoff:

The Legal Department has reviewed proposed new Policy 6.176 and finds it legally sufficient for adoption by the Board.



Attorney

3/10/15

Date