

## **Business and Noninstructional Operations**

**BP 3553 (a)**

### **FREE AND REDUCED PRICE MEALS**

The Board of Education recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

*(cf. 3551 - Food Service Operations/Cafeteria Fund)*

*(cf. 3552 - Summer Meal Program)*

*(cf. 5030 - Student Wellness)*

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6177 - Summer Learning Programs)*

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

To provide optimal nutrition and reduce the administrative burden of food service operations, the Superintendent or designee shall assess the eligibility of district schools to provide breakfast and/or lunch free of charge to all students at the school under a federally funded universal meal service provision, such as Provision 2 or the Community Eligibility Provision, pursuant to 42 USC 1759a.

If any district school meets the criteria for a "very high poverty school" through its eligibility for the federal Community Eligibility Provision reimbursement rate pursuant to 42 USC 1759a, the district shall apply to the California Department of Education (CDE) to operate a universal meal service, unless the Board adopts a resolution stating that the district is unable to comply with this requirement due to fiscal hardship. The resolution shall be part of the public agenda for at least two consecutive Board meetings, first as an information item and then as an action item. The Board shall reconsider the resolution at least once every four years. (Education Code 49564; 42 USC 1759a)

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meal program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

*(cf. 3550 - Food Service/Child Nutrition Program)*

Schools participating in the Special Milk Program pursuant to 42 USC 1772 shall provide milk at no charge to students who meet federal eligibility criteria for free or reduced-price meals.

The Board shall approve, and shall submit to the ~~California Department of Education~~ CDE for approval, a plan that ensures students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 3555- Nutrition Program Compliance)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

**FREE AND REDUCED PRICE MEALS (continued)****Confidentiality/Release of Records**

All applications and records related to eligibility for the free and reduced-price ~~meals~~ **meal** program shall be confidential and may not be released except as provided by law and authorized by the Board or pursuant to a court order. (Education Code 49558)

*(cf. 5125 – Student Records)*

The Board authorizes designated employees to use individual records pertaining to student eligibility for the free and reduced-price ~~meals~~ **meal** program for the following purposes: (Education Code 49558)

1. Disaggregation of academic achievement data

*(cf. 6162.51 – State Academic Achievement Tests)*

2. Identification of students eligible for ~~alternative supports in any school identified as a Title I program improvement school~~ **services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576**

*(cf. 0520.2 – Title I Program Improvement Schools)*

*(cf. 6171 – Title I Programs)*

If a student transfers from the district to another district, charter school, county office of education program, or private school, the Superintendent or designee may share the student's **meal** eligibility information to the other educational agency to assist in the continuation of the student's meal benefits.

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to another school district, charter school, or county office of education that is serving a student living in the same household for purposes related to program eligibility and data used in local control funding formula calculations. (Education Code 49558)

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining allocations under the local control funding formula and for assessing accountability of that funding. (Education Code 49558)

The Superintendent or designee may release information on the school lunch program application to the local agency that determines eligibility for participation in the Medi-Cal program if the student has been approved for free meals or, if included in the agreement with the local agency, for reduced-price meals. He/she also may release information on the school lunch application to the local agency that determines eligibility for CalFresh or another nutrition assistance program authorized under 7 CFR 210.1 if the student has been approved for free or reduced-price meals. Information may be released for these purposes only if the student's parent/guardian consents to the sharing of information and the district has entered into a memorandum of understanding with the local agency which, at a minimum, includes the roles and responsibilities of the district and local agency and the process for sharing the information. After sharing information with the local

**FREE AND REDUCED PRICE MEALS (continued)**

agency for purposes of determining eligibility for that program, no further information shall be shared unless otherwise authorized by law. (Education Code 49557.2, 49557.3, 49558)

(cf. 5141.6- School Health Services)

*Legal References:*EDUCATION CODE

48980 Notice at beginning of term

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001 49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-49562 **49564.5 Meals for needy students**

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act

6301-6514 ~~Title I programs~~ **6576 Elementary and Secondary Education Act**

UNITED STATES CODE, TITLE 42

1751-1769j School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

245.1-245.13 Determination of eligibility for free and reduced price meals and free milk

~~WELFARE AND INSTITUTIONS CODE~~

~~14005.41 Basic health care~~

*Management Resources:*CSBA PUBLICATIONS

Monitoring for Success: A guide for Assessing and Strengthening Student Wellness Policies, 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012

~~CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS~~

~~NSD SNP 12 2015 Updated Guidance on Sharing of School Meal Applications and the Passing of Assembly Bill 1599, July 2015~~

~~USDA SNP 07 2010 Change in Free and Reduced Price Meal Application Approval Process, September 2010~~

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~Feed More Kids, Improve Program Participation~~

~~Direct Certification Implementation Checklist, May 2008~~ **Free and Reduced-Price Meals: Universal Meal Service, Nutrition Services Division Management Bulletin SNP-01-2018, January 2018**

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Eligibility Manual for School Meals: ~~Federal Policy for Determining and Verifying Eligibility, July 2015~~

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

**FREE AND REDUCED PRICE MEALS (continued)**

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu> California

Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Food Policy Advocates: <http://cfpa.net>

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

Policy amended: April 15, 2021

Policy amended: March 16, 2017

Policy amended: November 6, 2008

Policy adopted: April 19, 2007

**FREE AND REDUCED PRICE MEALS**

**Applications**

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. The district's application packet may include the notifications and information listed in Education Code 49557.2.

*(cf. 3550 – Food Service/Child Nutrition Program)*

*(cf. 3551 – Food Service Operations/Cafeteria Fund)*

*(cf. 3552 – Summer Meal Program)*

The application form and related information shall be distributed in paper form to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

*(cf. 5145.6 - Parental Notifications)*

In addition, the district application form for free and reduced price meals shall be available online. The online application form shall require completion of only those questions necessary for determining eligibility, contain clear instructions for families that are homeless or migrant, and comply with other requirements specified in Education Code 49557.

An application form and related information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

**Eligibility**

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meal program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

~~When authorized by law, participants in other federal or state programs may be directly certified, without further application, for enrollment in the free and reduced price meals program. (Education Code 49561; 42 USC 1758)~~

Participants in the CalFresh, California Work Opportunity and Responsibility to Kids (CalWORKS), and Medi-Cal programs shall be directly certified for enrollment in the free and reduced-price meal program without further application. Participants in other state or federal programs may be directly certified when authorized by law. (Education Code 49561, 49562; 42 USC 1758; 7 CFR 245.6)

**FREE AND REDUCED PRICE MEALS (continued)**

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6175 - Migrant Education Program)*

**Verification of Eligibility**

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below:

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

**Confidentiality/Release of Records**

The Superintendent designates **district management staff in** the following ~~district employee(s)~~ **departments** to use individual records pertaining to student participation in the free and reduced-price meal program for the purpose of disaggregation of academic achievement data ~~or for the identification of students who are eligible for alternative supports in a Title I program improvement school:~~ **and/or the provision of services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576.**

**FREE AND REDUCED PRICE MEALS (continued)**

~~Executive Director, Administrative Services  
Director I, Child Nutrition Services~~

Business Services  
Child Nutrition Services  
Educational Services

In using the records for such purposes, ~~the following conditions shall be satisfied~~ **the Superintendent or designee shall ensure that:** (Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meal program ~~shall be~~ **are** maintained in the permanent records of any student if not otherwise allowed by law

*(cf. 5125 - Student Records)*

2. Information regarding individual student participation in the free and reduced-price meal program ~~is shall not be~~ publicly released

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

3. All other confidentiality provisions required by law shall be met
4. Information collected regarding individual students certified to participate in the free and reduced-price meal program ~~shall be~~ **is** destroyed when no longer needed for its intended purpose

**Nondiscrimination Plan**

The district's plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557; 42 USC 1758)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means
3. The students shall not be required to work for their meals or for milk
4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 3555 - Nutrition Program Compliance)*

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

**FREE AND REDUCED PRICE MEALS (continued)**

**Prices**

The maximum price that shall be charged to eligible students for reduced-price meals shall be 40 cents for lunch and 30 cents for breakfast. (42 USC 1758, 1773)

Regulation amended: April 15, 2021

Regulation amended: March 16, 2017

Regulation amended: September 1, 2011

Regulation amended: November 6, 2008

Regulation adopted: April 19, 2007