

EFAA - MEAL CHARGING

(Download policy)

Category: Priority/Required by Law

See also JLCF, EF, EFA & EFE

Explanatory Memo

New NHSBA sample policy:

Districts are required by United States Department of Agriculture regulation to have a policy in place by July 1, 2017, on meal charges and how students will be treated who do not have cash, a check, or a positive balance in their meal account to purchase food. Districts are not required to allow students with a zero balance to charge meals, however, most Districts provide some ability to charge to ensure students have a meal. New Hampshire RSA 189:11-a, VIII, also requires that: "A school lunch meal payment policy which is implemented by a school board either before or after the effective date of this section shall ensure that all students have access to a healthy school lunch, that the school district will make every reasonable effort to inform parents of the policy, and that no student will be subject to different treatment from the standard school lunch meal or school cafeteria procedures."

EFAA - Meal Charging is a new NHSBA sample policy, developed in response to Member requests. The NHSBA sample policy contains a section regarding meal charges, which is only necessary if a student is allowed to charge a meal. While optional, we expect most districts will want to include this section. The sample policy also contains a section for policy on the use of alternative meals, a requirement that students with a negative balance and no cash, select only the lowest cost meal. We understand the law to limit such alternative meals to one of the choices generally available to all students. We expect many districts will choose not to include this policy. Food service managers we have spoken with suggest that in many cases an alternative meal policy is not cost beneficial.

Federal and State law, regulation, and guidance stress the importance of districts ensuring that all students eligible for free or reduced price meals are enrolled in that program, including those who become eligible during the school year due to a parent's loss of employment or other change in circumstances. The USDA has identified one significant source of unpaid meal charges as students from families who qualify for free or reduced meals, but who have not applied. The NHSBA sample policy, in accordance with USDA and New Hampshire Dept. of Education requirements and guidance, stresses the importance of enrolling all eligible students through multiple notifications to parents, including notification with each communication to parents that their student's meal account has a negative balance. Some parents will require assistance in completing the applications. Those parents who have inhibitions about signing up should be helped to understand that the program is an entitlement and that if the parents are unable to pay for their student's meals, are eligible for the program, and do not sign up that this just shifts the cost of the meals to other taxpayers without the benefit of federal financial assistance. Districts that adopt the sample policy will in most cases feed the student who comes to school without a meal or money to purchase a meal. If the parents do not enroll in the free or reduced price program or do not reimburse the cost of the meal, other taxpayers in the District will likely end up paying the expense.

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Law, regulation, and guidance also stresses that the district policy and procedures ensure that no student will be subject to different treatment from the standard school meal or school cafeteria procedures. Particularly for younger students, the district faces the challenge of addressing students, whose parents are not paying for meals, in a manner that does not publicly disclose this problem, publicly embarrass, or stigmatize the child. For necessary reasons, school cafeterias are laid out such that students pick up their chosen meal and go to the pay station as the last step. This forecloses the opportunity to preempt a student from picking up a meal when the student will be unable to make payment. The NHSBA sample policy stresses that when possible District communication is with the parents and it is the parent's responsibility to inform their student about any limitations on using the school meal program.

Districts may elect to provide students unable to pay for a meal with an alternative meal, typically a lower cost brown bag type meal with a sun-butter sandwich as the primary component. If a district elects to provide alternative meals to students with zero or negative balances in their meal accounts and no cash to purchase a meal, the process for doing so must also avoid different treatment that would expose the child's circumstances. The alternative meal must be a menu choice available to all students. The assessment of whether to adopt a policy of providing such students with alternative meals should assess the relative costs and benefits, with consideration of the additional human resources required to notify the student's parents and if they fail to address the problem, to coach the child in private to only bring the alternative meal to the cafeteria checkout. Some districts find such a policy is imprudent, particularly for younger students, given the challenges of managing such a program and the minimal cost savings.

For those Districts who already address meal charges in a policy, we are attaching a simplified checklist of the policy requirements based on a checklist provided in USDA guidance. This should assist Districts with verifying that their policy satisfies the USDA guidance. The USDA provides sample letters, sample scripts for phone calls, and other resources to assist in the administration of a school meal program. See:

<https://www.fns.usda.gov/school-meals/guidance-and-resources>

EFAA - Meal Charging - Policy Checklist (Addendum to the Cover Letter, not intended as policy or regulation.)

The NHSBA sample policy fulfills the requirements of law and recommendations made in federal and state guidance. If the District has an existing policy or chooses to develop its own policy, we recommend you review that language using the USDA checklist, Appendix B, at page 49 of this USDA guide:

https://www.fns.usda.gov/sites/default/files/cn/unpaidmealcharges_guide.pdf

Using this checklist and other guidance from the USDA, we have also developed this alternative simplified checklist:

1. Are students unable to pay for their meal at the time of the meal service allowed to charge a meal?
 - a. If yes, what meals may be charged:
 - i. Breakfast
 - ii. Lunch

- iii. Afterschool Snacks
 - iv. A la carte items
2. If students are allowed to charge a meal, is there a limit to the number of charges or dollar limit allowed before requiring payment of the debt?
 - a. If yes, what is the number of meals or dollar limit?
 - b. How many days will a student's meal account be delinquent before the district requests payment?
 - c. What procedures are in place for determining if students with delinquent meal charges are eligible for free or reduced price meal benefits?
 - d. How will parents be notified of a zero or negative balance, expected payment dates, and collection efforts?
 - e. How will repayment plans, with payment levels and due dates appropriate to a household's particular circumstances, be established?
 - f. Will students with a small amount of negative balance be permitted to accumulate a larger debt before the district pursues recovery?
 - g. What efforts will the District make to collect unpaid student meal account debt?
 - h. Who will initiate debt collection procedures?
 - i. Who will determine whether the achievement of program purposes would be jeopardized by the diversion of staff time and effort to collect payment?
 - j. At what cumulative dollar threshold will the district escalate the collection method?
 - k. How will funds be obtained to restore the bad debt to the school lunch program?
 3. If students are allowed to charge a meal, will they receive a reimbursable (regular) meal or an alternative meal?
 - a. If an alternative meal will be provided, which meal service(s) will the student receive the alternative meal?
 - i. Breakfast
 - ii. Lunch
 - iii. Afterschool Snacks
 - b. How long will alternative meals be provided?
 - c. Are students required to pay for alternative meals?
 - i. Will the cost be added to the debt in the student meal account?
 - ii. Will only cash payment be allowed?
 - iii. What is the charge for an alternative meal?
 - d. Will the alternative meal be offered immediately upon the student meal account reaching zero or only after the account falls to a negative balance of \$____.00 dollars?

- e. Will the alternative meal be a sack, brown bag, lunch or a low-cost entrée regularly included on the menu?
4. If students are allowed to charge a meal, will they have limitations on the foods they may select for a reimbursable meal?
5. Where can families find assistance with applying for free or reduced price school meals?
6. How will the lunch program notify parents of low or if permitted, negative student meal account balances?
7. What resources are available to assist families with paying for their children's meals or debt?
8. How will delinquent meal charges be managed by the District?
9. Which office or personnel will be responsible for managing the charges?
10. What are the consequence for parents that fail to repay a debt?

The USDA guidance also specifies that the District's policy include requirements that ensure the policy is communicated to parents.

1. Have all families received a written copy of the meal charge policy?
2. Have all families of transfer students received a written copy of the meal charge policy?
3. Have all school and/or district-level staff members responsible for policy enforcement received a written copy of the meal charge policy?
4. Is there a system in place to notify parents of the meal charge policy when sending the initial notification of delinquent debt?
5. Do schools share information about the policy in other communications with families?

(Material in italics is either an instruction for drafting the policy or optional language for the policy which may be included if applicable in your district. Delete the instructions when preparing your policy. Remove the parenthesis and italics if the optional language is incorporated into your District policy. For optional sections not used, delete the draft language.)

EFAA - School Lunch Program Meal Charges

Category: Priority/Required By Law

The District encourages all parents and guardians (hereinafter "parents") to provide a healthy breakfast and lunch for their student(s). Parents are welcome to send students to school with a "brown bag/lunch box" meal. The District provides the opportunity to purchase (breakfast and) lunch (as well as after school snacks) from the school cafeteria. Each meal meets or exceeds the federal nutrition standards. Payment is expected no later than when the meal is served. Payment may be in cash (check) or as a debit against funds deposited into an established student lunch account.

The school lunch program is required by federal law to operate as a non-profit which must end each fiscal year without a negative balance. Uncollected debt must be paid to the school lunch

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program from other funds. Therefore, parents of students required to pay the full or reduced price for meals must ensure that the school lunch program is paid for their student's meals. The District's policy is to quickly escalate efforts to bring student meal accounts into positive balance, to avoid circumstances where these accounts build significant debt.

Student Meal Accounts

The District uses a point-of-sale computerized meal payment system which has an account for all students. Parents of students who will be purchasing meals using this system are required to establish and maintain a positive balance in the student's meal account.

Funds may be deposited into a student lunch account by cash, check, or on-line payment. Cash or checks made out to: _____ should be presented to the (fill in where funds to be deposited into the student lunch account should be delivered: Cashier at the cafeteria, the Principal's Office, the Food Service Office). A check may also be mailed to: _____. The District utilizes the services of (fill in name of on-line payment system vendor with URL: Myschoolbucks.com, paypams.com, MyPaymentsPlus.com, MealMagic.com, etc.). The use of checks or on-line payments is encouraged, as each provides a record. Parents are responsible for any fees charged by the on-line service. In accordance with United States Department of Agriculture ("USDA") guidance SP 02-2015, there will be no processing fee for deposits to a student meal account made by cash or check.

Bank fees incurred on any check returned for insufficient funds will be charged to the parent. (Alternatively: A fee of \$____ will be charged to the parents for each check returned for insufficient funds. The fee may not exceed \$25.00, RSA 358-C:5, I.) In accordance with RSA 358-C:5, notice of the fee charged for a check that is returned for insufficient funds shall be included in any letter sent to a Parent seeking payment because the student meal account has a negative balance.

Each notice to parents will include information on how to verify a student meal account balance, to resolve concerns regarding the accuracy of the account balance, or to obtain information on the school meal program, including the name, title, hours when available, phone number, and e-mail address of an appropriate member of the District staff.

Parental Restrictions on Use of Student Meal Account

Parents who establish a meal account for their student are responsible for establishing with their student any restrictions the parent chooses to place on use of the account. Unless restricted by the parent, a student may purchase a la carte items in addition to the regular meal choices. Some students purchase more than one meal at one sitting. (After school snacks may be purchased.) Setting and ensuring compliance with limitations on the use of the student's meal account afford families an opportunity to develop their student's understanding of the responsible use of credit and debit accounts, which will benefit the student throughout life. Parents must monitor the student's use of the meal account to ensure that a sufficient balance is available at all times for their student to charge meals. (The District's on-line payment system allows a parent to check their students balance at any time.)

The District's policy is to ensure that students have access to healthy meals and that no student will be subject to different treatment from the standard school meal or school cafeteria procedures. Therefore, the District will allow students to purchase a meal, even if the student's

meal account has insufficient funds. This policy applies to all meal offerings generally available at the cafeteria, breakfast, lunch, and after school snacks.

Balance Statements

The District will work proactively with parents to maintain a positive balance in their student's meal account. The Superintendent shall establish a procedure at each school requiring that a low balance statement be sent to parents whenever the balance in a student's meal account falls to or below a set amount that approximates the amount typically necessary to pay for one week of meals.

The notices will be sent by e-mail when practical, otherwise by a note, sealed in an envelope, sent home with the student. Only those District staff who have received training on the confidentiality requirements of federal and state law, including the United States Department of Agriculture's ("USDA") guidance for school meal programs, and who have a need to access a child's account balance and eligibility information may communicate with parents regarding unpaid meal charges. Volunteers, including parent volunteers will not be used to communicate with parents regarding unpaid meal charges. 42 U.S.C. 1758(b)(6).

Notice prior to the account reaching zero is intended to reinforce the requirement that a positive balance be maintained in the student meal account. If a student meal account falls into debt, the initial focus will be on resuming payments for meals being consumed to stop the growth of the debt. The secondary focus will be on restoring the account to routinely having a positive balance.

The District recognizes that unexpected financial hardships occur and will work with parents in this circumstance to limit the amount of accumulated debt. To do so, it is essential that parents respond to notices and cooperate with district staff efforts. Fairness and equal treatment requires that those able to pay, but who fall behind, must promptly bring their students meal account into a positive balance. The District's proactive approach is intended to help ensure students have healthy meals and that parents do not accumulate significant debt to the school meal program.

Free or Reduced Price Meals

The District participates in the federally supported program to provide free or reduced price meals to students from families whose economic circumstances make paying for meals difficult. Income guidelines for eligibility are based on family size and are updated each year by the USDA. The District will ensure parents are informed of the eligibility requirements and application procedures for free or reduced cost meals as well as the requirements of this policy.

Parents shall be provided with a copy of this policy and an application for free or reduced cost meals annually at the start of the school year through a mailing or in the parents' handbook, upon enrollment of a transfer student during the school year, and as a component of all notices sent to parents seeking payment to correct a negative balance in the student meal account. The communication explaining the availability of the free or reduced price meals shall include all the elements required by federal regulation, 7 C.F.R. 245.5. Each notice shall also identify a member of the District staff, with contact information, who is available to answer questions or assist the parents with applying for free or reduced price meals.

As required by the Civil Rights Act of 1964 and USDA guidance, parents with Limited English Proficiency ("LEP") will be provided with information on this policy and the free and reduced price meal program in a language the parents can understand. The District will utilize USDA and community resources to fulfill this requirement. This policy and links to application materials for the free or reduced price meal program will be posted on the school web site and made available to parents at each school.

The District will proactively enroll students found to be categorically eligible into the free or reduced price meal program. The District will seek to enroll eligible students in the free or reduced price meal program upon learning from any source of the student's potential eligibility. When eligibility is established, the District will apply the earliest effective date permitted by federal and state law.

The District will provide a copy of this policy and application materials for free or reduced price meals to town welfare offices/human services offices and other local social service agencies who may have contact with parents who are confronting layoffs or other financial hardship.

(This section applies for districts that choose to allow a student with a zero balance to charge meals. A District may have a policy that charging meals is not permitted. A policy prohibiting meal charges may be more appropriate if applied only to older students.)

Students Without Cash in Hand or A Positive Account Balance

Regardless of whether a student has money to pay for a meal or has a negative balance in the student meal account, a student requesting a meal shall be provided with a meal from among the choices available to all students. The only exception will be where the student's parents have provided the District with specific written direction that the student not be provided with a school lunch program meal, the student has a meal sent from home, or otherwise has access to an appropriate meal. Under no circumstances will a student's selected meal be thrown away because of the status of the student's meal account.

It is the parents' responsibility to provide their student with a meal from home or to pay for school prepared meals. Therefore, the District's policy is to direct communications to parents about student meal debt. When parents chose to provide meals sent from home, it is the parents' responsibility to explain to their student the necessity of the student not using the school meal program.

Initial efforts to contact parents will be by e-mail or phone, however if those efforts are unsuccessful, letters to parents may be sent home in sealed envelopes with the student. Where the District has not received a response from the parents or the parents do not cooperate in resolving negative student meal account balances and the student continues to use the school meal program, for students in grade seven or higher, the principal or designee may communicate directly with the student in a manner that is private and which does not publicly identify or stigmatize the student. Resolution of the problem should seek to ensure the student has ongoing access to an appropriate meal.

Should the student's meal account balance fall below zero, a balance statement requesting immediate payment shall be sent to parents no less than once each week.

If the student's meal account balance debt grows to \$15.00 or more a letter demanding immediate

payment shall be sent by US Mail to the parent or the parent shall be contacted by the Principal or designee by phone or in person. Where warranted, the Principal may arrange a payment schedule to address current meal consumption and arrearages while the school continues to provide the student with meals.

If the student's meal account debt grows to \$30.00 or more the parents will be requested to meet with the principal. When appropriate, the Principal should explore with the parents whether an application for free or reduced cost meals is warranted. Where extenuating circumstances of financial hardship exist and the family is not eligible for free or reduced cost meals, the District will work with the parents to identify and engage governmental and private charitable resources which are available to assist the family.

If a student with a negative balance in his or her meal account seeks to purchase a meal with cash or check, the student will be allowed to do so. There is no requirement that the funds be applied first to the debt.

Unresolved Debt

If the Principal determines that the best available information is that the parents are able to pay the expenses of the student's meals and the parents decline to cooperate with resolving the debt in a timely manner, the Principal shall send a letter to the parents directing them to have their student bring meals from home and cease utilizing the school meal program. The student may resume using the school meal program when a positive account balance is restored in the student's meal account.

If the student continues to use the school meal program, a second letter shall be sent to the parents using certified mail, return receipt requested.

If parents continue to fail to provide the student with a meal sent from home, continue to fail to provide funds for their student to use the school lunch program, continue to refuse to cooperate with reasonable requests by District staff to address the overdue debt, and the parent is believed to have the ability to pay, the Superintendent may pursue payment through civil legal action, including filing a claim in small claims court pursuant to RSA Chapter 503. The Superintendent is delegated authority to assess the likelihood that civil action will lead to payment, the resources required to pursue collection, and to pursue such action only when doing so is in the best interest of the District.

The Superintendent shall try to identify non-profit charities that are willing to contribute funds to the district to assist in keeping a positive balance in the meal account of students whose parents do not qualify for free meals and who due to financial hardship are unable to consistently keep the student meal account in a positive balance. If at the end of the fiscal year uncollected debt in student meal accounts must, as a last resort to fulfill federal requirements, be paid to the school meal program from other District funds, the parents' debt for unpaid meal charges shall be owed to the District.

Applying the policy set forth above, the Superintendent shall determine if further collection efforts are in the best interest of the District. Any payments collected on debt that has been offset with District funds, shall be credited to the District. All debt collection efforts shall comply with RSA Chapter 358-C, New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act.

Staff Enforcement of Policy/Training

A copy of this policy and refresher training shall be provided annually to all food service and school staff responsible for serving student meals or enforcing this policy. New staff with these responsibilities shall be provided with a written copy of the policy and training on the policy during their initial training or orientation. In accordance with federal requirements, a record shall be maintained documenting that new staff receive the policy and training. The record must also document that all applicable staff receive a copy of the policy and refresher training annually.

Student with Special Dietary Needs

Nothing in this policy prohibits providing an appropriate meal to a student with special dietary needs such as, but not limited to, diabetes, provided these needs have been documented in a health plan, Sec 504, or IEP. If the meal is medically required, and the student has a negative student meal account balance, or does not have cash to purchase the meal, the necessary dietary needs will be met.

To request meal accommodations for students whose dietary needs qualify them for accommodation under law or to file a school meal program complaint with the District, contact _____ at phone number ____-_____.

To file a program complaint of discrimination with the USDA, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter 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;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This District is an equal opportunity provider.

Nondiscrimination

It is the District's policy that in the operation of child feeding programs, no child will be discriminated against because of race, sex, color, national origin, age, or disability. 7 C.F.R. 245.5(a)(1)(viii). Students will not be denied meals due to the existence of other unpaid charges at the school or for disciplinary reasons.

Assessment for Neglect Reporting

If a student who has been determined to be ineligible for free or reduced cost meals or whose parents have refused to cooperate with filing an application for free or reduced cost meals is

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consistently not provided with meals, either through a meal sent from home or the payment for a meal through the school meal program, the Principal will assess whether a report of child neglect is warranted to the New Hampshire Department of Health and Human Services, Division for Children, Youth, & Families, as required by RSA 169-C:29-31.

Alternative Meals

(Optional - for use in Districts which choose to provide only an "alternative" meal to students whose meal account has a negative balance/when the negative balance exceeds \$____.00, or who choose to prohibit such students from charging a la carte or extra items.)

If a student's meal account has a negative balance of \$____.00 or more the student will be allowed to charge only an alternative meal. In accordance with state law, the alternative meal will be one of the meal choices generally available to all students, but which has the lowest cost to the lunch program to produce. The purpose of limiting students with negative balance meal accounts to the alternative meal is to mitigate the losses to the District from providing uncompensated meals, while ensuring that the student has access to a healthy meal. These students will also not be allowed to charge a la carte or extra items. It is the parents' responsibility to explain to the student that only alternative meals may be charged. A notice which directs the parent to have their student select only the alternative meal and not to charge a la carte or extra items, until the student's meal account is brought into positive balance, will be included with the communication demanding payment of the negative balance. The notice will include the information necessary for the parent to explain to the student how to select the alternative meal. For students in grade ____ (at least grade seven) and above, if the student continues to select other meal choices, the student may be spoken with privately and advised that in accordance with the notice provided to the parents, the student may only select the alternative meal and may not charge a la carte or extra items until the meal account is brought into a positive balance.

Legal References

15 U.S.C. § 1692-1695 federal Fair Debt Collection Practices Act (FDCPA)

42 U.S.C. 1758(b)(6), Use or disclosure of information

Civil Rights Act of 1964 & 7 C.F.R. Part 15, Subpart A & B

2 C.F.R. §200.426

7 C.F.R §210.09

7 C.F.R §210.10

7 C.F.R §210.15

7 C.F.R. §245.5

USDA SP 46-2016 - No later than July 1, 2017, all SFA's operating the Federal school meal program are required to have a written meal charge policy.

USDA Guidance SP37-2016: Meaningful Access for Persons with Limited English Proficiency (LEP) in the School Meal Programs

RSA 189:11-a

RSA 358-C , New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act;

NH Dept. of Education Technical Advisory - Food and Nutrition Programs

New Sample Policy: May 2017

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