

OFFICE OF THE SUPERINTENDENT

Millburn Public Schools

INFORMATION ITEM

January 4, 2010

To: Board of Education Members

From: Ellen E. Mauer, PhD

Subject: First Reading-Free and Reduced Price Food Services- Policy 4:130

This policy has been updated to show additional requirements of notification, including a name and phone number of a contact, a posting on the website, inclusion of information in registration materials, and/or newsletters.

Operational Services

Free and Reduced-Price Food Services 1

Notice

The Superintendent shall be responsible for implementing the District's free and reduced-price food services policy and all applicable programs. ²

Eligibility Criteria and Selection of Children 3

A student's eligibility for free and reduced-price food services shall be determined by the income eligibility guidelines, family-size income standards, set annually by the U.S. Department of Agriculture and distributed by the Illinois State Board of Education.

Notification 4

At the beginning of each school year, by letter, the District shall notify students and their parents/guardians of: (1) eligibility requirements for free and reduced-price food service; (2) the

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State or federal law controls this policy's content. A policy on eligibility for free and reduced-price meals is required by 7 C.F.R. §245.10 for districts participating in the National School Lunch or Breakfast Programs.

Every public school must have a free lunch program (School Breakfast and Lunch Program Act, 105 ILCS 125/4).

Each school where at least 40% or more of the students are eligible for free or reduced-price lunches must operate a school breakfast program (Childhood Hunger Relief Act, 105 ILCS 126/, amended by P.A. 96-158). A school district may opt-out if the expense reimbursement would not fully cover the costs of implementing and operating the breakfast program. To do so, the district must petition its regional superintendent by February 15. The regional superintendent, after a public hearing, and by March 15, informs the district of his or her decision. If the regional superintendent does not grant an exemption, the district must implement a school breakfast program by the first student attendance day of the next school year. However, the school district or a resident of the school district may appeal the regional superintendent's decision to the State Superintendent of Education.

School districts must, by February 15, promulgate a plan to serve breakfast and/or lunch at each school where 50% or more of the students are eligible for free or reduced-price school meals *and* have a summer school program operating during the summer months. 105 ILCS 126/20, as amended by P.A. 95-155 and 96-734. School districts must implement these programs every summer as long as the school district has a school or schools that meet the criteria. If a school building with a 50% or greater free and reduced percentage does not operate a summer school program, the school district shall make information available regarding the number of children in the school eligible for free or reduced-price school meals upon request by a non-profit organization. A school district may utilize an *opt-out* provision if documentation shows the expense reimbursement would not fully cover the costs of implementing and operating a program. To do so, the district must petition its regional superintendent of schools by January 15. The regional superintendent, after a public hearing, and by March 1, informs the district of his or her decision. If the regional superintendent does not grant an exemption, the district must implement and operate the summer food program the summer following the current school year. However, the school district or a resident of the school district may appeal the regional superintendent's decision to the State Superintendent of Education who shall hear appeals and make a final decision no later than April 1. Resources for promulgating a plan for a summer breakfast or lunch (or both) food service program are available on the State Board of Education's website at: www.isbe.net/nutrition/htmls/summer.htm.

² 7 C.F.R. §245.10(a)(1).

³ 7 C.F.R. §245.3; see also the subhead titled *Household Eligibility Criteria* on State Board of Education's website at: www.isbe.net/nutrition/htmls/forms_sbn.htm#hei. If a child transfers from one district school to another district school, his or her eligibility for free or reduced price meals or for free milk, if previously established, is honored by the receiving school.

⁴ 7 C.F.R. §245.5; 23 Ill.Admin.Code §305.10(c). Any changes in the eligibility criteria must be announced according to 7 C.F.R. §245.5(b).

application process; (3) the name and telephone number of a contact person for the program; 5 and (4) other information required by federal law. The Superintendent shall provide the same information to: (1) informational media, the local unemployment office, and any major area employers contemplating layoffs; 6 and (2) the District's website (if applicable), all school newsletters, or students' registration materials. 7 Parents/guardians enrolling a child in the District for the first time, any time during the school year, shall receive the eligibility information.

Nondiscrimination Assurance 8

The District shall avoid publicly identifying students receiving free or reduced-price meals and shall use methods for collecting meal payments that prevent identification of children receiving assistance.

Appeal 9

A family may appeal the District's decision to deny an application for free and reduced-price food services or to terminate such services as outlined by the U.S. Department of Agriculture in 7 C.F.R. §245.7, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools. The Superintendent shall establish a hearing procedure for adverse eligibility decisions and provide by mail a copy of them to the family. The District may also use these procedures to challenge a child's continued eligibility for free or reduced-price meals or milk.

During an appeal, students previously receiving food service benefits shall not have their benefits terminated. Students who were denied benefits shall not receive benefits during the appeal.

The Superintendent shall keep on file for a period of 3 years a record of any appeals made and the hearing record. The District shall also maintain accurate and complete records showing the data and method used to determine the number of eligible students served free and reduced-price food services. These records shall be maintained for 3 years.

LEGAL REF.: U.S. Dept. of Agriculture, Food and Nutrition Service, National School Lunch Program, 7 C.F.R. Part 210.
U.S. Dept. of Agriculture, Food and Nutrition Service, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools, 7 C.F.R. Part 245.
105 ILCS 125/ and 126/.
23 Ill.Admin.Code §305.10 et seq.

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5 23 Ill.Admin.Code §305.10(c) requires notification of this one additional piece of information.

6 7 C.F.R. §245.5.

7 23 Ill.Admin.Code §305.10(c). Only one medium must be used; a board may choose one medium and delete the others from the policy or use them all.

8 7 C.F.R. §§245.8 and 245.10(a)(4).

9 7 C.F.R. §245.7. The minimal hearing requirements are also found there.

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Free and Reduced-Price Food Services

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Eligibility Criteria and Selection of Children

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Notification

At the beginning of each school year, by letter, the District shall notify students and their parent(s)/guardian(s) of: (1) eligibility requirements for free and reduced-price food service, (2) its application process, and (3) other information required by federal law. The Superintendent shall provide the same information to informational media, the local unemployment office, and any major area employers contemplating layoffs. Parent(s)/guardian(s) enrolling a child in the District for the first time, any time during the school year, shall receive the eligibility information.

Non-discrimination Assurance

The District shall avoid publicly identifying students receiving free or reduced-price meals and shall use methods for collecting meal payments which prevent identification of children receiving assistance.

Appeal from a Decision

A family may appeal the District's decision to deny an application for free and reduced-price food services or to terminate such services as outlined by the U.S. Department of Agriculture in 7 C.F.R. § 245.7, Determining Eligibility For Free and Reduced-Price Meals and Free Milk In Schools. The Superintendent shall establish a hearing procedure for adverse eligibility decisions and provide by mail a copy of them to the family. The District may also use these procedures to challenge a child's continued eligibility for free or reduced-price meals or milk.

During an appeal, students previously receiving food service benefits shall not have their benefits terminated. Students who were denied benefits shall not receive benefits during the appeal.

The Superintendent shall keep on file for a period of 3 years a record of any appeals made and the hearing record. The District shall also maintain accurate and complete records showing the data and method used to determine the number of eligible students served free and reduced-price food services. These records shall be maintained for 3 years. LEGAL REF.: U.S. Dept. of Agriculture, Food and Nutrition Service, National School Lunch Program, 7 C.F.R. Part 210.

U.S. Dept. of Agriculture, Food and Nutrition Service, Determining Eligibility for Free and Reduced-Price Meals and Free Milk In Schools, 7 C.F.R. Part 245.

105 ILCS 125/1.

23 Ill. Admin. Code §§ 1.520 and 305.10 et seq.

ADOPTED: May 20, 2002