

Book	Policy Manual
Section	POLICIES FOR BOARD APPROVAL - VOL. 37, NO. 2 - APRIL 2025
Title	Copy of Replacement Policy - Vol. 37, No. 2 - April 2025 - FOOD SERVICE PROGRAM
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### **Replacement Policy - Vol. 37, No. 2 - April 2025**

#### **8500 - FOOD SERVICE PROGRAM**

The School Board will provide cafeteria or serving facilities in all schools where space and facilities permit and food service for the purchase and consumption of lunch for all students.

It is the intent of the Board to participate in the National School Lunch and School Breakfast Program and to offer paid, free, or reduced-price meals in accordance with the Child Nutrition Program, the National School Lunch Act, and Indiana law. The operation of the food service program shall also be in compliance with the regulations set forth in State law and regulations.

Students who are eligible for free or reduced-price meals shall be approved and properly accounted for by the Principal in accordance with criteria established by the Child Nutrition Program and National School Lunch Act. The Board requires that the identity of students receiving free or reduced-price meals be safeguarded and kept confidential.

The operation and supervision of the food service program shall be the responsibility of the School Nutrition Program Director. The School Corporation will adhere to the professional standards for school nutrition personnel who manage and operate the food service program, including the requirements related to hiring and training that are set forth in United States Department of Agriculture ("USDA") regulations.

Further, as required by USDA regulations and upon recommendation of the Superintendent, the Board shall certify annually:

- A. the School Nutrition Program Director meets the hiring standards and training requirements set forth in USDA regulations; and
- B. each employee in the food service program has completed the applicable training requirements set forth in USDA regulations.

The Food Service program will comply with Federal and State laws and regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the current USDA school meal pattern requirements and the USDA 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 laws and 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 that is 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 program staff and other authorized persons.

Further, the Food Service program shall comply with the School Lunch Fund provisions of Chapter 4 of the State Board of Accounts *Uniform Compliance Guidelines for Indiana Public School Corporations*.

The superintendent shall recommend and the Board shall approve the cost of meals for elementary, middle, and high schools annually.

#### **School Breakfast**

School breakfast meals shall be made available to students at all schools in the Corporation. Each elementary, middle, and high school shall make a breakfast meal available if a student arrives at school on the bus less than fifteen (15) minutes before the first bell rings and shall allow the student at least fifteen (15) minutes to eat the breakfast.

### **Summer Food Service**

The Board shall provide a Federal food service program for students during summer intervention programs that are mandated under Federal law. If the Board determines that it is unable to provide a Federal food service program during the summer for financial reasons, the Board will communicate that decision to its residents in a manner it determines to be appropriate.

### **Nutrition Standards**

The Board shall approve and implement nutrition standards governing the types of food and beverages that may be 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 with a dietitian licensed under I.C. 25-14.5-4, a dietetic technician registered with the Commission on Dietetic Registration, or a school nutrition specialist certified or credentialed by the School Nutrition Association;
- C. 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
- D. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.

The Corporation'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.

The Superintendent shall require that the food service program serve foods in the schools of the Corporation 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 annually to the Board at one of its regular meetings regarding the Corporation's compliance with the standards.

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

### **Competitive Food Sales**

The Food and Nutrition Services Department will comply with the provisions set forth in Federal law, incorporated in Indiana Code 20-26-9-18.5, regarding the sale of competitive food and foods of minimal nutritional value.

The Food and Nutrition Services Department shall be the sole provider of food and beverage items sold in all schools until thirty (30) minutes following the last lunch period, at which time other school organizations may begin to sell food and beverage items in accordance with the Board's wellness policy (Policy 8510) and guidelines (AG 8510) and with Principal approval. Accordingly, all food and beverage items for sale to students on campus from vending machines, or school stores, or as fund-raisers by student clubs and organizations, parent groups, or boosters clubs shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools regulations, and applicable State law and regulations, and shall be available only between thirty (30) minutes following the last school lunch period and thirty (30) minutes after the close of the regular school day.

### **Meal Charges**

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

A periodic review of the food-service accounts shall be made by the **Food Service Director**. Any surplus funds from the National School Lunch Program or the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a la carte foods may accrue to the food-service program.

Cafeteria purchases may be prepaid into individual food service accounts before meal service begins.

The only deductions made from prepaid accounts will be for the purchase of meals or other allowable food purchases in the cafeteria.

If a student withdraws or graduates and has a positive balance of less than \$**10.00**, the balance may be receipted into the school lunch fund where the school lunch program funds are maintained unless the parent requests a refund. If a student withdraws or graduates with a positive balance greater than \$**10.00**, the parents shall be notified by mail and given the option of receiving a refund within **60** days. If no response is received within **60** days, the account will be closed and the funds will no longer be available. Unclaimed balances will be transferred to the school lunch fund where the school lunch program funds are maintained.

### **Bad Debt/Uncollectable Debt**

Significant negative lunch account balances that are not collected in the year when the debt was incurred shall be classified as bad debt. Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program.

Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable, are also unallowable. Any significant negative lunch account balance shall be pursued in accordance with Policy 6152 - Student Fees and Charges for collection before it is determined to be uncollectable to Policy 6151 - Bad Checks and Uncollectable Debts.

Once classified as bad debt, non-Federal funding sources shall reimburse the school lunch program account for the total amount of the bad debt. If funds to reimburse the Corporation for this bad debt are not available from another source, such as school or community organizations (like the PTA) or any other non-Federal source, the funds to reimburse the school lunch program shall be transferred from the Corporation operations fund or other State or local funding to make that reimbursement.

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 C.F.R. 210.9(b)(17) and 7 C.F.R. 210.15(b). Any related collection costs, including legal costs, arising from such bad debt after they have been determined to be uncollectable also are unallowable.

Any significant negative lunch account balance shall be pursued initially in accordance with Policy 6152 - Student Fees and Charges for collection before it is determined to be uncollectable pursuant to Policy 6151 -Bad Checks and Uncollectable Debts. Further, bad debt may be removed from accounts receivable in accordance with Policy 6151 - Bad Checks and Uncollectable dates.

### **Negative Account Balances**

Parents initially shall be notified by **letter** every **quarter**. Negative balances are expected to be corrected upon the notification by Corporation personnel. The **Food Service Director** shall be responsible for making this initial notification to parents.

Students shall be permitted to purchase meals from the Corporation'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 a negative food service account balance not to exceed \$**20.00**. A student shall not be permitted to purchase a la carte items without a sufficient food service account balance or cash on hand.

If a student has reached the permissible level of negative food service account balance, they shall be provided a regular reimbursable meal that follows the USDA meal pattern, the cost of which shall continue to accrue to a negative food service account balance.

Students who have qualified for free lunches are still responsible for paying off any debt that was incurred prior to qualifying for free lunches.

## **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 Indiana to write prescriptions. The request must contain the following information:

- 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, as applicable, 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 who shall serve as the Special Dietary Accommodation Coordinator. (Food Service Director, 3321 W 800 S, Fort Branch, IN 47648).

A student with a disability may have an individualized education program (IEP) or Section 504 plan that requires specific instruction, services, or accommodations related to the student's nutritional needs. If a student's IEP or Section 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.

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 disability that restricts the student's diet. The Corporation will honor the request 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 implemented immediately.

## **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 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 or otherwise available under Indiana or Federal law.

- 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 Principal 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.
- B. Any other complaint or disagreement with the food service administration concerning the 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 Superintendent's determination shall be final.

## **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 Board 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 Corporation shall offer a reasonable modification that effectively accommodates the student's disability. Following USDA Child Nutrition Program regulations, the Corporation 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 Section 504 plan that requires specific food-related accommodations, the Corporation shall provide the accommodation as required by law, seeking clarifying medical information, as necessary.

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

### **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, 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 Special Dietary Accommodation Coordinator may seek clarification or updates on special dietary requests annually.

### **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 Special Dietary Accommodation Coordinator, or shall be discontinued consistent with the medical authorities' recommendation provided with the Medical Statement for Special Dietary Needs.

### **Emergency First Aid**

In each school cafeteria, there shall be a poster that is easily visible and prominently placed that contains step-by-step instructions on how to provide emergency first aid for choking on conscious individuals. During all times while the food service program is operating and students are being served food, at least one (1) employee shall be present in the area in which the food is being consumed who has received instruction in methods to prevent choking and demonstrated an ability to perform the Heimlich maneuver.

### **Food Safety Compliance**

In accordance with Federal law, the **Food Service Director** shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection shall be posted in a publicly visible location, and a copy of the report shall be available upon request. **[Please note: schools participating in more than one (1) child nutrition program are required to obtain only two (2) food safety inspections per school year if the nutrition programs offered use the same facilities for the preparation and service of meals. Also, the requirement for two (2) inspections does not apply to schools that offer only the Special Milk Program.]**

### **Operation of the Food Service Program**

With regard to the operation of the Corporation Food Service program, the Superintendent shall require:

- A. maintenance of sanitary, neat premises free from fire and health hazards;
- B. preparation of food that complies with Federal food safety regulations;
- C. planning and execution of menus in compliance with USDA requirements;

- D. purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (see Policy 1130 - Conflict of Interest, Policy 1214 - Staff Gifts, Policy 3113 - Conflict of Interest, Policy 3214 - Staff Gifts, Policy 4113 - Conflict of Interest, Policy 4214 - Staff Gifts, and Policy 6460- Vendor Relations);
- E. compliance with food holds and recalls in accordance with USDA regulations;
- F. accounting and disposition of food-service funds pursuant to Federal and State law and USDA regulations;
- G. safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;
- H. regular maintenance and replacement of equipment;
- I. compliance with the Corporation's time and effort record-keeping policy by all Corporation employees whose salaries are paid from USDA funds or with non-Federal funds used to meet a match or cost share requirement. (See Policy 6116 - Time and Effort Reporting)

The Corporation's Food Service program will serve only food items and beverages as determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans. Any competitive food items and beverages that are available for sale to students à la carte in the dining area between midnight and thirty (30) minutes following the end of the last lunch period also shall comply with the current USDA *Nutrition Standards for the National School Lunch and School Breakfast Programs* and the USDA *Smart Snacks in Schools* regulations. Foods and beverages unassociated with the food-service program may be vended subject to the rules and regulations set forth in Policy 8540.

The Superintendent shall require that the Food Service program serve foods in the schools of the Corporation that are wholesome and nutritious and reinforce the concepts taught in the classroom.

### **Vending Machines**

The Board recognizes that vending machines can produce revenues that are useful to augment programs and services for students and staff. It shall, therefore, authorize their use in Corporation facilities, provided that the following conditions are satisfied:

- A. the location of the vending machines within a facility or at other places on Corporation property may be selected by the administrator in charge of the facility or area of Corporation property, subject to the approval of the Superintendent;
- B. all monies collected from vending machines will be deposited with the school Treasurer in accordance with the current guidelines established by the State Board of Accounts in its Handbook of Instruction for extra-curricular accounts;
- C. no food or beverages are to be sold or distributed, which will compete with the Corporation's food-service program;

In accordance with the nutritional standards adopted by the Board, the placement of vending machines in any classroom where students are provided instruction is prohibited unless the classroom also is used to serve meals to students.

The profits from the sale of items in a vending machine will be credited in the following:

- A. manner profit from vending machines available to students will be used for the benefit of the students;

### **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 status, sexual orientation, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "protected classes") or reprisal or retaliation for prior civil rights activity.

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, audiotope, 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/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. 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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

All verbal or written civil rights complaints regarding the school nutrition programs that are filed with the Corporation must be forwarded to the Civil Rights Division of USDA Food and Nutrition Service within three (3) days.

The above nondiscrimination statement complements the Corporation's nondiscrimination policies, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity and Policy 1422/Policy 3122/Policy 4122—Nondiscrimination and Equal Employment Opportunity.

### **Policy Distribution**

This policy shall be distributed in writing to all households at the start of each school year and to households transferring to the school or Corporation during the school year. The policy will also be provided to all Corporation staff with responsibility for enforcing the policies.

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#### **Legal**

I.C. 20-26-9-18

I.C. 20-26-9-18.5

I.C. 25-14.5-4

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

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

7 CFR Parts 15b, 210, 215, 220, 225, 226, 227, 235, 240, 245, 3015

2 C.F.R. Part 200

USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)

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

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794

34 CFR Part 104

Uniform Compliance Guidelines for Indiana Public School Corporation (Indiana State Board of Accounts)