



LONDONDERRY SCHOOL DISTRICT

**PENDING DINING SERVICES POLICIES**

**READING SCHEDULE**

1 <sup>st</sup> Reading	October 24, 2017
2 <sup>nd</sup> Reading	November 14, 2017
3 <sup>rd</sup> Reading	December 5, 2017



Londonderry School District  
Business Office

*"Giving Wings to  
Children's Dreams"*

# Memo

To: Superintendent Scott LaLiberte  
From: Peter Curro  
CC:  
Date: 11-15-17  
Re: Dining Services Policy 3<sup>rd</sup> Reading

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Attached is a comprehensive policy governing the School District's Dining Service Department. Included in the policy is our recommendation regarding the treatment of students when their account is past due; and how the District will communicate with parents.

This policy was development by Attorney Graham with input from myself and Amanda Venezia. This policy replaces the old Policy EF titled Food Service Management. Obviously, as we work our way through the three readings, the District will seek input from members of the public as well as add to or edit the policy based on the Board's feedback.

Because there are new penalties for delinquent accounts, we feel a window of opportunity for parents to address such accounts is appropriate. Therefore, we will not enact the penalties of this policy until Monday, March 5, 2018. This should give parents enough time to contact Dinning Services with any questions regarding the status of their student (s) account and / or time to pay down the outstanding balance.

## **DINING SERVICES MANAGEMENT**

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 a meal from Dining Services. Each meal is modeled after the federal nutrition standards. Payment is expected no later than when the meal is served. Payment may be in cash, check (made payable to Londonderry School District 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 program from other funds. Therefore, parents of students required to pay the full or reduced price for meals must ensure that the Dining Services 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 may be presented to the cashier in the cafeteria. Checks, but not cash, will be accepted at the Principal's Office, the Dining Services Office, or may be mailed to any school with attention to the Dining department.

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 \$20.00 will be charged to the parents for each check returned for insufficient funds. 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.

### **Parental Restrictions on Use of Student Meal Account**

Parents are responsible for establishing any restrictions the parent chooses to place on their student's account. Unless restricted by the parent, a student may purchase a la carte items in addition to the regular meal choices. 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 student's 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 and lunch. Please note that a student with a \$0.00 balance or in the negative may not purchase a la carte items.

### **Balance Statements**

The District will work proactively with parents to maintain a positive balance in their student's meal account. Notices of low balance will be sent by e-mail from the Dining department. Only those staff members 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).

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 an application for free or reduced cost meals annually as well as posted on the school district website, and upon enrollment of a transfer student during the school year. 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 website 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.

### **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 or on-line 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. The 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 negative balance notification requesting immediate payment shall be sent to parents no less than once each week.

### **Unresolved Debt**

Any individual student who is in arrears with the following negative balance as of the 1<sup>st</sup> of the month with the School District will accrue the following surcharge.

1. \$50.00 - \$99.99 will be charged \$10.00 each month
2. \$100.00 - \$199.99 will be charged \$20.00 each month
3. Over \$200.00 will be charged \$50.00 each month

If the student's meal account debt grows to \$30.00 or more the parents will be requested to meet with building Principal or Asst. Principal. When appropriate, the Principal or Asst. Principal should explore with the parents whether an application for free or reduced cost meals is warranted.

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.

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 Chief Financial Officer may pursue payment through civil legal action, including filing a claim in small claims court pursuant to RSA Chapter 503, if the account reaches \$250.00 or more. The Chief Financial Officer 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. 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 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](http://www.ascr.usda.gov/complaint_filing_cust.html) , 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](mailto: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 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.

## 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 VIII*

*RSA 358-C, New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act; NH Dept. of Education Technical Advisory - Food and Nutrition Programs*

## LONDONDERRY SCHOOL DISTRICT

1<sup>st</sup> Reading: October 24, 2017

2<sup>nd</sup> Reading: November 14, 2017

3<sup>rd</sup> Reading: December 5, 2017

## FOOD SERVICES MANAGEMENT

1. The Londonderry Public Schools shall provide a food services program within the appropriate regulations of the U.S. Department of Agriculture and State Department of Education, or any other entity with proper jurisdiction over the program.
2. The food services shall be limited to school functions including students and/or staff and community use of school facilities approved by the principal and the Office of the Superintendent.

### LONDONDERRY SCHOOL BOARD

Adopted: June 12, 1978

1<sup>st</sup> Reading to Rescind: October 24, 2017

2<sup>nd</sup> Reading to Rescind: November 14, 2017

3<sup>rd</sup> Reading to Rescind: December 5, 2017



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