

FIRST READING SEPTEMBER 30, 2021

LINDEN BOARD OF EDUCATION
Linden, New Jersey 07036

FILE CODE: 3542.2
 X **Mandated**
 Monitored
 X **Other Reasons**

Policy

SCHOOL MEAL PROGRAM ARREARS

The school meal program shall make a nutritionally adequate meal (breakfast and/or lunch) available to every student and shall operate on the most economically feasible basis. It shall be operated in strict compliance with all laws and regulations pertaining to health; sanitation and safety; internal accounting; employment practices; nutritional standards; costs of meals; and periodic reporting required by New Jersey law.

The board of education believes that regularly consumed nutrition helps maintain the students' energy and facilitates concentration, supporting student achievement (see board policy 3542.1 Wellness and Nutrition). Therefore, it is the expectation of the board that students with the assistance of their parents/guardians come prepared for school each day with lunch/breakfast or meal money. Students repeatedly forgetting their breakfast or lunch meal or their meal money may be subject to consequences including parent/guardian conference, loss of privileges and detention according to the school code of student conduct.

Qualified students whose families have a financial hardship may apply for assistance according to policy 3542.31 Free or Reduced Price Lunches, Milk. The procedures for the administration of the free and reduced price meal program of this school district will be the same as those prescribed in current state and federal laws and regulations.

The board shall strive to make affordable meals available to all students. Students who do not qualify for free or reduced price meals or milk may receive school lunch through the school meal program for a fee that is approved by the board. Any student who has a hardship but does not qualify for free and reduced price lunches or milk, may be considered for other assistance on a case by case basis.

The purchase of meals through the school program shall be optional and shall not prevent any student from bringing their own lunch or breakfast to school.

The school business administrator or designee shall be responsible for the accounting and tracking of revenues and expenses generated by the school meal program. The principal or his or her designee shall oversee the notification of parents/guardians for the payment of charges and arrears associated with the school meal program. Being in arrears shall be defined as being behind in meal payments due, resulting in debt or liability to the district.

Procedures for Charging Lunch

In the event a student's school lunch or breakfast bill is in arrears, the principal or his or her designee shall contact the student's parent/guardian to provide notice of the amount in arrears and shall provide the parent/guardian a period of ten school days to pay the full amount due. If the student's parent/guardian does not make full payment to the school by the end of the ten school days, the principal or his or her designee shall again contact the student's parent/guardian to provide a second notice that their child's lunch or breakfast bill is in arrears. If payment is not made within one week of the second notice, the district shall again contact the student's parent or guardian to provide notice of the action to be taken by the school district in response to a student's school breakfast or school lunch bill being in arrears (N.J.S.A. 18A:33-21).

The building principal or his or her designee shall implement appropriate measures that ensure that students who cannot pay for a school breakfast or a school lunch or whose school breakfast or school lunch bill is in arrears shall not be publicly identified or stigmatized.

SCHOOL MEAL PROGRAM ARREARS (continued)

The district shall report at least biannually to the Department of Agriculture the number of students who are denied school breakfast or school lunch.

No district staff member shall:

- A. Publicly identify or stigmatize a student who cannot pay for a school breakfast or a school lunch or whose school breakfast or school lunch bill that is in arrears, for example, by requiring that the student sit at a separate table or wear a wristband, hand stamp, or identifying mark or by serving the student an alternative meal;
- B. Require a student who cannot pay for a school breakfast or a school lunch or whose school breakfast or school lunch bill that is in arrears to do chores or other work to pay for the school breakfast or school lunch; or
- C. Require a student to discard a school breakfast or school lunch after it has been served because of the student's inability to pay for a school breakfast or a school lunch or because money is owed for previously provided meals.

Procedures

Students without breakfast/lunch or meal money may receive a meal through the school meal program according to the following rules:

- A. Students without breakfast/lunch or meal money shall be allowed to select a meal from a limited menu not to exceed the reimbursable meal allowance and shall not be permitted ala carte items, or other food charges during the school day;
- B. Payment on the charge should be made by the student the following school day;
- C. The school business administrator or designee shall notify the principal when the student has accumulated five (5) unpaid meal charges;
- D. The principal or his or her designee shall notify parents/guardians of the breakfast/lunch arrears. This shall constitute the first notification in accordance with law (N.J.S.A. 18A:33-21). The notification shall include:
 - 1. The board policy 3542.2 School Meal Program Arrears;
 - 2. The requirement that payment be made within ten school days;
 - 3. A statement of the meal charges, that includes instructions for payment;
 - 4. A description and price list for the school breakfast/lunch program;
 - 5. Information regarding participation in the federal free or reduced price lunches, milk program;
 - 6. A request to schedule a conference to investigate and address the problem and to ascertain to what degree the student is responsible or if there are mitigating circumstances or financial hardship that are contributing to the problem;
- E. Following the first notice the district shall continue to provide the student with a meal (lunch and/or breakfast). When payment is not received within ten school days following the first notice, the principal or his or her designee shall provide the second notification of the arrears. The second notice shall be mailed/mailed to the student and the parents/guardians and include:
 - 1. A statement that if payment in full is not made within one week from the date of the second notice, then the following action will be taken by the school district in response to a student's school breakfast or school lunch bill being in arrears, as applicable, beginning the eighth calendar day from the date of the second notice;
 - a. Students in kindergarten through grade 12: The student shall not be permitted ala carte items, or other food charges during the school day;

SCHOOL MEAL PROGRAM ARREARS (continued)

- b. Students at the middle school and high school levels (grades 6 through 12) shall be refused a meal if payment in full is not made within one week from the date of the second notice. The student shall not be served school breakfast or lunch, as applicable, beginning the eighth calendar day from the date of the second notice.
 - 2. The board policy 3542.2 School Meal Program Arrears;
 - 3. A statement of the meal charges, that includes instructions for payment;
 - 4. A request to schedule a conference with the principal to discuss the arrears;
 - 5. As necessary and appropriate notification that the district shall make a report to the Division of Child Protection and Permanency;
 - 6. As necessary and appropriate notification that the district will enforce collection efforts and related fees, including filing a cause of action in small claims court.
- F. If a student owes money for the equivalent of five or more school meals, the district shall:
- 1. Determine if the student is eligible for a free or reduced price school meal;
 - 2. Make at least two attempts, not including the application or instructions provided to the parent or guardian, to contact the student's parent or guardian and have the parent or guardian fill out an application for the school lunch program and school breakfast program; and
 - 3. Require a principal, or a person designated by the principal, to contact the parent or guardian to offer assistance with the application for the school lunch and school breakfast program, determine if there are other issues within the household that have caused the child to have insufficient funds to purchase a school breakfast or school lunch, and offer any other appropriate assistance;
- G. The district shall direct communications about a student's school breakfast or school lunch bill being in arrears to the parent or guardian and not the student. The district may send a student home with a letter addressed to a parent or guardian;
- H. Qualified students receiving assistance according to policy 3542.31 Free or Reduced Price Lunches, Milk who accumulate arrears shall continue to receive a meal not to exceed the reimbursable meal allowance regardless of a bill in arrears. The student shall not, however, be permitted ala carte items, or other food charges during the school day;
- I. Restrictions related to the purchase of ala carte items or other foods that are offered as part of the school meal program shall cease upon payment of the charges in arrears.

Payment of Charges

The school business administrator or designee shall be responsible for tracking and billing all lunch accounts in arrears. The following guidelines shall apply:

- A. Charges will show a negative account balance on the student's school meal program account, and billed, at a minimum, quarterly to the parent/guardian;
- B. Payments on charges shall be brought directly to the main office or mailed to the main office;
- C. The payment shall be recorded and a receipt generated and given or mailed in acknowledgement of payment received according to the established district business procedures.

Implementation

At the beginning of the school year, and upon initial enrollment in the case of a student enrolling during the school year, the district shall provide to the parent or guardian of each student:

- A. Information on the National School Lunch Program and the federal School Breakfast Program;
- B. An application to apply for the school lunch and school breakfast programs and instructions for

SCHOOL MEAL PROGRAM ARREARS (continued)

completing the application;

- C. Information on the rights of students and their families under the law pertaining to school meal arrears (N.J.S.A. 18A:33-21).

The district may provide the application and information electronically, through the usual means by which the district communicates with parents electronically. The application and information shall be in a language that the parent or guardian understands.

The district liaison for the education of homeless children shall coordinate with school personnel to ensure that a homeless student receives free school meals and is monitored according to the board policies.

The policy shall be reviewed regularly and updated as necessary.

Adopted:

Key Words

School Lunch, Food Service, Nutrition, Wellness,

Legal References:	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:18A-5	Exceptions to requirement for advertising
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:18A-5a(6)	
	<u>N.J.S.A.</u> 18A:18A-6	Standards for purchase of fresh milk; penalties; rules and regulations
	<u>N.J.S.A.</u> 18A:33-3 through -5	Cafeterias for students
	<u>N.J.S.A.</u> 18A:33-21	Schools meals, notification to parent of payment in arrears before denying to student
	<u>N.J.S.A.</u> 18A:33-21a	Hunger-Free Students Bill of Rights Act
	<u>N.J.S.A.</u> 18A:33-21b	Information provided to parents, guardians
	<u>N.J.S.A.</u> 18A:33-21c	Provision of meals to homeless students
	<u>N.J.S.A.</u> 18A:33-21.1	State required to pay difference between federal allocation and total cost of reduced price breakfast, lunch
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 18A:58-7.1 through -7.2	School lunch program ...
	<u>N.J.A.C.</u> 2:36-1.1 <u>et seq.</u>	Child Nutrition Programs
	<u>N.J.A.C.</u> 6A:23A-16.5	Supplies and equipment
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>Healthy, Hunger-Free Kids Act of 2010</u> (Section 143), P.L. 111-296; December 13, 2010.	

Federal policy guidance and resources guidance at <https://www.fns.usda.gov/school-meals/policy>. **See:**

SP 17-2014, January 22, 2014	<i>Discretionary Elimination of Reduced Price Charges in the School Meal Program</i>
SP 46-2016, July 8, 2016.	<i>Unpaid Meal Charges: Local Meal Charge Policies</i>
SP 46-2016, July 8, 2016	<i>Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments</i>
SP 23-2017, March 23, 2017.	<i>Unpaid Meal Charges: Guidance and Q&A</i>

Possible

Cross References: *1200 Participation by the public

SCHOOL MEAL PROGRAM ARREARS (continued)

*1220	<u>Ad hoc</u> advisory committees
*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
*3220/3230	State funds; federal funds
*3250	Income from fees, fines and charges
*3450	Money in school buildings
*3510	Operation and maintenance of plant
*3542.1	Wellness and nutrition
*3542.31	Free or reduced-price lunches/milk
*3542.44	Purchasing
*4222	Noninstructional aides
*5131	Conduct/discipline
9123	Appointment of board secretary
9124	Appointment of business official

*Indicates policy is included in the Critical Policy Reference Manual.