



SCHOOL BOARD OF BREVARD COUNTY, FLORIDA  
**School Board Policy Executive Summary**  
 Form D

<b>Policy Number:</b>	8500
<b>Title of Policy:</b>	Food Services
<b>Cabinet Member:</b>	Robin Novelli
<b>Purpose of Revisions:</b>	The purpose of the proposed revisions to the policy is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed revisions promote transparency and accountability.
<b>Tentative Schedule:</b>	<ul style="list-style-type: none"> <li>• Cabinet – 6/1/2021</li> <li>• Work Session – 6/22/2021</li> <li>• Rule Development Workshop – 7/13/2021</li> <li>• School Board Meeting Information – 7/13/2021</li> <li>• School Board Meeting Approval – 7/29/2021</li> <li>• Effective Date – upon approval</li> </ul>
<b>Summary of Proposed Policy Revisions:</b>	<ul style="list-style-type: none"> <li>• This policy is being revised to clarify the procedures regarding the National School Lunch and Breakfast Program and other changes in compliance with applicable Florida law.</li> <li>• Particular areas of revision include the following: availability of meals, dietary modifications and cost of meals.</li> <li>• These proposed revisions encompass the suggested language from NEOLA.</li> </ul>
<b>Specific Authority:</b>	§§1001.41, 1001.42, 1001.51, 1013.12, 1001.43, 1006.07; F.S.; 7 CFR Part 210, 215, 220, 225, 226, 227, 235, 240, 245; FAC 5P-1.002, 1.003, 1.004, 1.005
<b>Next Steps:</b>	<ul style="list-style-type: none"> <li>• Revisions to internal procedures</li> <li>• Training for BPS employees regarding revisions to policy and revised procedures</li> </ul>

**Current  
Version**

## **8500 - FOOD SERVICES**

The Board shall, upon the recommendation of the Superintendent, establish the necessary staff and provide procedures for the operation of a food service program in each school in accordance with the procedures for a successful five (5) star performance and inspection, and cafeteria manager's handbook. The food services program shall participate in the National School Lunch and Breakfast Programs and comply with all Federal and State regulations pertaining to the program.

### **A. Food Service Program**

The District recognizes the importance of good nutrition to each student's educational performance.

This program shall be operated primarily as a service to students by providing:

1. attractive and nutritious meals for students; and
2. food service facilities designed to achieve the maximum in efficiency and cleanliness; and
3. worthwhile learning experiences which will contribute to the emotional, spiritual, aesthetic, and social development of students; and
4. the opportunity for developing in the students good eating and social habits.

### **B. Staffing**

#### **1. Administrative Responsibility**

The direct responsibility for supervision and administration of the food service program shall be delegated to a director of county-wide food services who shall provide system-wide coordination and supervision directed toward the most efficient and nutritional operation at the lowest possible cost to the student.

#### **2. Principal**

The principal, in conjunction with the Food Service Director and local school staff shall have the following responsibilities:

- a. to comply with Federal and State laws, regulations, and the District policies; and
- b. to effect, through classroom instruction and learning experiences outside the classroom, ways to increase the students knowledge of nutrition; and
- c. to schedule students to effect the greatest participation in the school food service program by providing sufficient time for all students to receive and consume a meal; and
- d. to comply with the food holds and recalls in accordance with U.S. Department of Agriculture regulations.

#### **3. Cafeteria Manager**

The Cafeteria Manager shall work under the direct supervision of the principal of the assigned school, in conjunction with the Food Service Director in accordance with Board policy, State law, and other applicable legal requirements.

**4. Other Food Service Personnel**

Additional personnel shall be employed in accordance with established procedures and job classifications. These persons shall be employed by the Board upon recommendation of the principal. They shall work directly under the supervision of the manager.

**C. General Provisions**

**1. Availability of Meals**

Students, employees of the Board, Board members, and the invited guests of school principals are the only persons who may eat in the school cafeteria.

**2. Commodities**

U.S. Department of Agriculture (USDA) commodities shall be used in accordance with current USDA and applicable State rules and regulations.

**3. Competitive Foods**

No food or beverages, other than those associated with the District's food service program, are to be sold during the school day unless allowed by State or Federal procedures.

**4. Food Safety**

Additional personnel shall be employed in accordance with established procedures and job classifications. These persons shall be employed by the Board upon recommendation of the principal. They shall work directly under the supervision of the manager.

**D. Cost of Meals**

The food service program shall be operated on a nonprofit basis. The price of meals shall be set by the Board upon recommendations of the Superintendent. Food service employees are given a lunch as part of their salary; all other adults shall pay the Board-adopted sale price.

**E. Eligibility for Free or Reduced-Price Meals**

**1. Federal School Lunch Program**

It is the intent of the Board to participate in the Federal School Lunch Program and to offer free or reduced-price meals in accordance with USDA guidelines.

**2. Universal-Free School Breakfast Program**

It is the intent of the Board to participate in the Federal School Breakfast Program and to offer a free school breakfast to all students in each elementary, middle, and high school provided that Federal/State funding continues to cover the costs associated with operating the Breakfast Program. If, however, at some point in time the Federal/State funding no longer covers the costs of the Breakfast Program the Board will, at a minimum, offer a free school breakfast to all students in each elementary, middle and high school in which eighty percent (80%) or more

of the students are eligible for free or reduced-price meals. All other schools will offer breakfast in accordance with USDA guidelines.

**3. Eligibility**

Those persons 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 USDA or other authority.

**4. Identification**

The identification of students receiving free or reduced-price meals shall be safeguarded and confidential.

**F. Accounting**

**1. Superintendent**

The Superintendent shall be responsible for the accurate accounting of all commodities, equipment, supplies, and cash in accordance with District requirements and for making such reports as required.

**2. Principal**

The principal shall be responsible for the food service manager's accurate accounting of all commodities, equipment, supplies, and cash in accordance with District requirements, and for making such reports as required.

F.S. 1001.41, 1001.42, 1001.51, 1006.06,  
F.A.C. 6A-7.0411, 6A-7.41, 6A-7.42(2), 6A-7.421, 6A-7.45, 6A-7.46  
7 C.F.R. 210, 215, 220, 240

Revised 4/10/07  
Revised 11/16/10  
Revised 7/22/14

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Book: Florida Policies for Update

Section: Vol. 21, No. 2 - Feb. 2021

Title: REVISED POLICY - VOL. 21, NO. 2 - FOOD SERVICE PROGRAM

Number: po8500

## REVISED POLICY - VOL. 21, NO. 2

### 8500 - FOOD SERVICE PROGRAM

The School Board shall provide cafeteria facilities in all school facilities where space and facilities permit and will provide food service for the purchase and consumption of lunch for all students. The Board shall annually encumber the funds needed to operate the program.

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 Florida law. The operation of the food service program shall also be in compliance with the regulations set forth in State law and the Florida Administrative Code.

The Board does not discriminate on the basis of race, color, national origin, sex (including transgender 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") in its educational programs or activities. Students and all other members of the School District community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct. See Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity.

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.

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.

The operation and supervision of the food service program shall be the responsibility of the ( ) **School Nutrition Program Director** ( ) \_\_\_\_\_ . The District 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 USDA regulations and AP 8500A.

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

the School Nutrition Program Director meets the hiring standards and training requirements set forth in USDA regulations; and

each employee in the food service program has completed the applicable training requirements set forth in USDA regulations.

**[NOTE: F.S. 595.405(4) requires the Board to conduct two (2) public hearings before adopting or rejecting a policy which makes universal-free school breakfast meals available to all students in each elementary, middle, and high school in which eighty percent (80%) or more of the students are eligible for free or reduced-price meals. Following the public hearings, the Board may choose whether or not to include either Option 1 or the second paragraph of Option 2 in this section of the policy.]**

### **Option 1**

Breakfast meals shall be available to all students in each elementary, middle, and high school. The Board will do so by participating in the National School Breakfast Program and offering paid, free, and reduced-price breakfast meals in accordance with the USDA Guidelines.

The food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the current USDA



Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards as well as to the fiscal management of the program.

## **Option 2**

Breakfast meals shall be available to all students in each elementary, middle, and high school. The Board will do so by participating in the National School Breakfast Program and offering paid, free, and reduced-priced breakfast meals in accordance with USDA Guidelines.

Further, the Board shall offer breakfast meals free of charge to all students in each elementary, middle, and high school in which eighty percent (80%) or more of the students are eligible for free or reduced-price meals.

## **[END OF OPTIONS]**

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.

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:

- consider the nutritional value of each food or beverage;

- consult with a dietitian licensed under F.S. 468.509, a dietetic technician registered by the commission on dietetic registration, or a school nutrition specialist certified or credentialed by the school nutrition association;

- consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services; and

consult and incorporate the USDA Smart Snacks in School nutrition guidelines.

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

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

### **Meal Charges**

The Board recognizes that circumstances may result in a student needing to charge for meals if his/her account has an insufficient balance to cover the charge. However, no account will be allowed to exceed a significant negative balance except as established below.

The Superintendent shall develop procedures regarding meal charges, which shall be implemented by the \_\_\_\_\_ . This procedure will provide direction so that students Districtwide who are eligible for reduced price or who pay the established price for meals, but do not have funds in their account or in hand to cover the cost of their meal at the time of service are treated consistently, that parents of students who charge meals are notified when a student charges a meal, and that efforts are made to collect the charges made so that the unpaid charges are not classified as "bad debt" at the end of the school year.

A student whose account has a significant negative balance may not charge or purchase "a la carte" items, including extra main course entrees.

### **[CHOOSE ONE OPTION]**

#### **[ ] OPTION 1**

If a student has a significant negative lunch account balance, s/he shall be provided a regular reimbursable meal that follows the USDA meal pattern, the cost of which shall continue to accrue to his/her significant negative balance. The student's parent(s) shall be contacted to collect the outstanding charges.

**[END OF OPTION 1]**

**[ ] OPTION 2**

If a student has a significant negative lunch account balance, s/he shall be provided an alternate meal ( ) at a reduced price recommended by the Superintendent and approved by the Board **[End of Option]**, the cost of which shall continue to accrue to his/her significant negative balance, and his/her parent(s) shall be contacted to collect the outstanding charges. The alternate meal will be a low-cost alternative to the regular reimbursable meal and shall meet USDA nutritional standards or the Smart Snacks in Schools regulations so that it qualifies for reimbursement under the National School Lunch/Breakfast Program.

**[END OF OPTION 2]**

If the negative balance is not brought to a positive balance within \_\_\_\_\_ days of these efforts, the School District will take action to collect the unpaid debt by means of ( ) collection agencies ( ) small claims court ( ) other legal methods deemed necessary by the School District.

If a student withdraws or graduates and has a positive balance of less than \$\_\_\_\_, the balance may be receipted into the ( ) school lunch fund ( ) extra-curricular activity 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 \$\_\_\_\_ **[use the same amount as above]**, the ( ) parents ( ) student shall be notified by mail and given the option of receiving a refund within \_\_\_\_\_ days. If no response is received within \_\_\_\_\_ days, the account will be closed and the funds will no longer be available. Unclaimed balances will be transferred to ( ) the school lunch fund ( ) the extra-curricular activity fund where the school lunch program funds are maintained.

The Board's policy and Superintendent's procedure related to meal charges shall be distributed in writing to all households at the start of each school year and to households transferring to the school or School District during the school year. **This guideline will provide directions for students who are eligible for reduced price or paid meals but do not have funds in their account or in hand to cover the cost of their meal at the time of service.**

**Dietary Modifications**

A request for substitutions to the standard meal requirements due to food allergies shall be accommodated, when requested by an adult student with a disability or the parent of a student with a disability, without delay and at no additional charge. The adult student with a disability or the parent of a student with disability making such a request of the Food Service Director shall be informed that medical certification that the student has a disability that restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b must be submitted within \_\_\_\_\_ (\_\_\_\_\_) school days from a health care provider who has prescriptive authority in the State of Florida or the dietary modification may be discontinued until such statement is received.

The medical certification must identify:

the child's physical or mental impairment and why the student's disability or medical conditions necessitates such a restriction of the child's diet;

an explanation of why the food service program must do to accommodate the child's disability; and

the food(s) to be omitted from the student's diet and the recommended food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

After a request for a dietary modification is submitted to the Director of Food Service, the Director of Food Service shall, in turn, notify the Principal, school nurse, and the members of the student's IEP or 504 Team that the dietary modification shall be made for the student, pending the receipt of the required medical certification.

If deemed necessary by the student's IEP or 504 Team, the dietary modification shall be included in the student's IEP or 504 plan.

An adult student with a disability or the parent of a student with a disability who believes the accommodation requested is not being appropriately addressed may access the processes and assistance described in Policy 2260 and/or Policy 2260.01 by contacting the District's Compliance Coordinator named in those policies.

A request for substitutions to the standard meal requirements due to food allergies shall be accommodated, when requested by an adult student who is not identified as having a disability or the parent of a student who is not identified as having a disability, without delay and at no additional charge. An adult student who is not identified as having a disability or the parent of a student who is not identified as having a disability making such

a request of the Director of Food Service shall be informed that a signed medical statement from a health care provider who has prescriptive authority in the State of Florida that the student cannot consume certain food items due to a medical condition or some other special dietary need must be submitted within \_\_\_\_\_ (\_\_\_\_\_) school days or the dietary modification may be discontinued until such statement is received.

To qualify for continuing consideration and substitutions the medical statement must identify:

the medical or dietary need that restricts the student's diet;

the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted; and

the food(s) to be omitted from the student's diet and the recommended food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

The request for such dietary modifications shall be submitted to the Director of Food Service, who shall, in turn, notify the Principal and school nurse that the dietary modification shall be made for the student. Upon request of the parent or adult student, a meeting of a team including the parent, the Director of Food Service, school nurse, and Principal shall be convened to determine the specific substitution(s) that will be made to the standard meal pattern for the student.

For non-disabled students who need a nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required.

**[Choose one of the following two options.]**

The food service program shall not accommodate a student's request for specific substitutions to the standard meal pattern requirements that is based solely on religious or lifestyle choices.

The food service program shall accommodate a student's request for specific substitutions to the standard meal pattern requirements that is based solely on religious or lifestyle choices.

**[End of Options]**

In addition to students, lunches sold by the school may be purchased by staff members and community residents in accordance with administrative guidelines established by the Superintendent. Lunches may be made available, free of charge, to senior citizens who are serving as volunteers to the District.

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 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.

In accordance with Federal law, the \_\_\_\_\_ 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 will be posted in a publicly visible location, and a copy of the report will be available upon request.

**[Please note: Schools participating in more than one (1) child nutrition program are only required to obtain 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 only offer the Special Milk Program.]**

A periodic review of the food-service accounts shall be made by the \_\_\_\_\_ . Any surplus funds from the National School Lunch Program 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.

### **Bad Debt**

Meal charges 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. 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 District 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 District's general 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 cost, including legal cost, arising from such bad debt after they have been determined to be uncollectible are also unallowable.

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

With regard to the operation of the school food service program, the Superintendent shall require:

- the maintenance of sanitary, neat premises free from fire and health hazards;

- the preparation of food that complies with Federal food safety regulations;

- the planning and execution of menus in compliance with USDA requirements;

- the purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (see Policy 1129, Policy 1214, Policy 3129, Policy 3214, Policy 4129, Policy 4214, and Policy 6460)

- complying with food holds and recalls in accordance with USDA regulations;

- the administration, accounting, and disposition of food-service funds pursuant to Federal and State law and USDA regulations;

the safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;

the regular maintenance and replacement of equipment;

all District employees whose salaries are paid for with USDA funds or non- Federal funds used to meet a match or cost share requirement must comply with the District's time and effort record-keeping policy (see Policy 6116).

The Superintendent will require that the food service program serve foods in the schools of the District that reinforce the nutrition concepts taught in the classrooms.

The District shall serve only nutritious food in accordance with the nutritional standards adopted by the Board in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages in competition with the District's food-service program must comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8550.

The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report regarding the District's compliance with the standards at one of its regular meetings annually.

See also AP 8500A.

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#### Legal References

F.S. 595.405

F.S. 1001.41

F.S. 1001.42

F.S. 1001.51

F.S. 1013.12

F.A.C. 5P-1.002

F.A.C. 5P-1.003



F.A.C. 5P-1.004

F.A.C. 5P-1.005

42 U.S.C. 1758

Health, 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 C.F.R. Part 15b

7 C.F.R. Part 210

7 C.F.R. Part 215

7 C.F.R. Part 220

7 C.F.R. Part 225

7 C.F.R. Part 226

7 C.F.R. Part 227

7 C.F.R. Part 235

7 C.F.R. Part 240

7 C.F.R. Part 245

7 C.F.R. Part 3015

80 F.R. 11077

OMB Circular No. A-87 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

# **Redline Draft**

## 8500 - FOOD SERVICES

The Board recognizes the importance of maintaining a successful food service operation that promotes the development of a healthier lifestyle to support student achievement. The School Board shall provide cafeteria facilities in all school facilities where space and facilities permit and will provide food service for the purchase and consumption of breakfast, lunch and other foods for all students.

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

Breakfast meals shall be available to all students in each elementary, middle, and high school. The Board will do so by participating in the National School Breakfast Program and offering paid, free, and reduced-priced breakfast meals in accordance with United States Department of Agriculture (USDA) Guidelines. Further, the Board shall offer breakfast meals free of charge to all students in each elementary, middle, and high school in which eighty percent (80%) or more of the students are eligible for free or reduced-price meals.

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 the identity of students receiving free or reduced-price meals be safeguarded and kept confidential.

The Board shall, upon the recommendation of the Superintendent, establish the necessary staff and provide procedures for the operation of a food service program in each school in accordance with the procedures for a successful ~~Five (5) Star Performance and Inspection,~~ and ~~the eCafeteria mManager's handbook.~~ ~~The food services program shall participate in the National School Lunch and Breakfast Programs and comply with all Federal and State regulations pertaining to the program.~~

### A. Food Service Program

The District recognizes the importance of good nutrition to each student's educational performance.

This program shall be operated primarily as a service to students by providing:

- ~~a.1.~~ attractive and nutritious meals for students; and
- ~~b.2.~~ food service facilities designed to achieve the maximum in efficiency and cleanliness; and
- ~~c.3.~~ worthwhile learning experiences which will contribute to the emotional, spiritual, aesthetic, and social development of students; and
- ~~d.4.~~ the opportunity ~~for for students to~~ developing ~~in the students~~ good eating and social habits.

### B. Staffing

#### 1. Administrative Responsibility

The operation and supervision of the food service program shall be the responsibility of the Food and Nutrition Services (FNS) Director. The District will adhere to the professional standards for all school nutrition personnel who manage and operate the food service program.

~~The direct responsibility for supervision and administration of the food service program shall be delegated to a director of county-wide food services who shall provide system-wide coordination and supervision directed toward the most efficient and nutritional operation at the lowest possible cost to the student.~~

## 2. **Principal**

The ~~P~~principal, in conjunction with the ~~FNS Food Service~~ Director and local school staff, shall have the following responsibilities:

- a. to comply with Federal and State laws, regulations, and the District policies; and
- b. to effect, through classroom instruction and learning experiences outside the classroom, ways to increase the students' knowledge of nutrition; and
- c. to schedule students to effect the greatest participation in the school food service program by providing sufficient time for all students to receive and consume a meal; and
- d. to comply with the food holds and recalls in accordance with USDA U.S. Department of Agriculture regulations.

## 3. **Cafeteria Manager**

The Cafeteria Manager shall work under the direct supervision of the ~~P~~principal of the assigned school, in conjunction with the ~~FNS Food Service~~ Director in accordance with Board policy, State law, and other applicable legal requirements.

## 4. **Other Food Service Personnel**

Additional personnel shall be employed in accordance with established procedures and job classifications. These persons shall be employed by the Board upon recommendation of the ~~P~~principal. They shall work directly under the supervision of the Cafeteria Manager.

## C. **General Provisions**

### 1. **Availability of Meals**

Students, employees of the Board, Board members, and the invited guests of school ~~P~~principals are the only persons who may eat in the school cafeteria.

The Board shall provide a Federal food service program for students during the 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.

## ~~2. Commodities~~

~~U.S. Department of Agriculture (USDA) commodities shall be used in accordance with current USDA and applicable State rules and regulations.~~

## ~~3. Competitive Foods~~

### 2. Competitive Foods

The District shall serve only nutritious food in compliance with the current USDA dietary guidelines for Americans and USDA Smart Snacks in School nutrition guidelines. Foods and beverages in competition with the District's food service program must comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Brevard Public Schools Wellness Policy and Procedures and Board Policy 3315 – Student and Staff Wellness.

~~No food or beverages, other than those associated with the District's food service program, are to be sold during the school day unless allowed by State or Federal procedures.~~

### 3. Food Safety

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 foodborne 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 authorized persons.

In accordance with Federal law, the FNS 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 will be posted in a publicly visible location, and a copy of the report will be available upon request.

~~A food safety programs based on the principles of the Hazard Analysis and Critical Control Points (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and food stored therein shall be limited to food service staff and other authorized personnel.~~

### 4. Dietary Modifications

A request for substitutions to the standard meal requirements due to food allergies shall be accommodated, when requested by an adult student with a disability or the parent of a student with a disability, without delay and at no additional charge. The adult student with a disability or the parent of a student with a disability making such a request to the FNS Director shall be informed that medical certification that the student has a disability that restricts his/her diet in accordance with the criteria set forth in 7 C.F.R. Part 15b must be submitted within 10 school days from a health care provider who has prescriptive authority in the State of Florida or the dietary modification may be discontinued until such statement is received.

The medical certification must identify:

- a. the child's physical or mental impairment and why the student's disability or medical conditions necessitates such a restriction of the child's diet; and
- b. an explanation of what the food service program must do to accommodate the child's disability; and
- c. the food(s) to be omitted from the student's diet and the recommended food or choice of foods that must be substituted (e.g., substitute caloric modifications or use of liquid nutritive formula).

After a request for a dietary modification is submitted to the FNS Director, the Director shall notify the Principal who will in turn notify the School Nurse and the members of the student's IEP or 504 Team that the dietary modification shall be made for the student, pending the receipt of the required medical certification.

If deemed necessary by the student's IEP or 504 Team, the dietary modification shall be included in the student's IEP or 504 plan.

An adult with a disability or the parent of a student with a disability who believes the accommodation requested is not being appropriately addressed may access the processes and assistance described in Policy 2260 and/or Policy 2260.01 by contacting the District's Compliance Coordinator named in those policies.

A request for substitutions to the standard meal requirements due to food allergies shall be accommodated, when requested by an adult student who is not identified as having a disability or the parent of a student who is not identified as having a disability, without delay and at no additional charge. An adult student who is not identified as having a disability or the parent of a student who is not identified as having a disability making such a request of the FNS Director shall be informed that a signed medical statement from a health care provider who has prescriptive authority in the State of Florida that the student cannot consume certain food items due to a medical condition or some other special dietary need must be submitted within 10 school days or the dietary modification may be discontinued until such statement is received.

To qualify for continuing consideration and substitutions the medical statement must identify:

- a. the medical or dietary need that restricts the student's diet; and
- b. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted; and
- c. the food(s) to be omitted from the student's diet and the recommended food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

The request for such dietary modifications shall be submitted to the FNS Director, who shall notify the Principal who will in turn notify the School Nurse that the dietary modification shall be made for the student. Upon request of the parent or adult student, a meeting of a team including the parent, the FNS Director, School Nurse, and Principal shall be convened to determine the specific substitution(s) that will be made to the standard meal pattern for the student.

For non-disabled students who need a nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required.

The food service program shall not accommodate a student's request for specific substitutions to the standard meal pattern requirements that is based solely on lifestyle choices.

#### **D. Cost of Meals**

The food service program shall be operated on a nonprofit basis. The price of meals shall be set by the Board upon the recommendations of the Superintendent. Food service employees are provided a meal during scheduled work hours in accordance with FNS procedures; other adults shall pay the Board-adopted adult sale price given a lunch as part of their salary; all other adults shall pay the Board-adopted sale price.

##### **1. Meal Accounts**

The Board recognizes that circumstances may result in a student having insufficient funds to cover the meal charge. However, no account will be allowed to incur a negative balance except as established below:

The Superintendent shall develop procedures regarding meal charges, which shall be implemented by the FNS Director. These procedures will provide direction so that students Districtwide who are eligible for reduced price or who pay the established price for meals, but do not have funds in their account or in hand to cover the cost of their meal at the time of service, are treated consistently, that parents of students who charge meals are notified when a student charges a meal, and that efforts are made to collect the charges made so that unpaid charges are not classified as "bad debt" at the end of the school year.

A student whose account has a negative balance may not charge a la carte items, including extra main course entrees.

- a. If a student has no funds, s/he shall be permitted to charge up to two regular reimbursable meals that follow the USDA meal pattern, the cost of which shall accrue to his/her account balance. The student's parent(s) shall be contacted to collect the outstanding charges.
- b. If an elementary student has a negative lunch account balance and has reached the charge limit, s/he shall be provided an alternate meal. The alternate meal will be a low-cost alternative to the regular reimbursable meal and shall meet USDA nutritional standards or the Smart Snacks in Schools regulations so that it qualifies for reimbursement under the National School Lunch Program.
- c. If a student withdraws or graduates and has a positive lunch account balance, the balance will be transferred to the school lunch hardship fund unless the parent requests a refund within 90 days of the withdrawal/graduation date.
- d. The Board's policy and Superintendent's procedure related to meal charges shall be included in the Code of Student Conduct which is provided to every student. This guideline will provide directions for students who are eligible for reduced price or paid

meals but do not have funds in their account or in hand to cover the cost of their meal at the time of service.

~~E. **Eligibility for Free or Reduced-Price Meals**~~

~~1. **Federal School Lunch Program**~~

~~It is the intent of the Board to participate in the Federal School Lunch Program and to offer free or reduced-price meals in accordance with USDA guidelines.~~

~~2. **Universal Free School Breakfast Program**~~

~~It is the intent of the Board to participate in the Federal School Breakfast Program and to offer a free school breakfast to all students in each elementary, middle, and high school provided that Federal/State funding continues to cover the costs associated with operating the Breakfast Program. If, however, at some point in time the Federal/State funding no longer covers the costs of the Breakfast Program the Board will, at a minimum, offer a free school breakfast to all students in each elementary, middle and high school in which eighty percent (80%) or more of the students are eligible for free or reduced-price meals. All other schools will offer breakfast in accordance with USDA guidelines.~~

~~3. **Eligibility**~~

~~Those persons 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 USDA or other authority.~~

~~4. **Identification**~~

~~The identification of students receiving free or reduced-price meals shall be safeguarded and confidential.~~

E. **Operation of the Food Service Program**

F. **Accounting**

1. **Superintendent**

1. With regard to the operation of the school food service program, the Superintendent shall require:

- a. the maintenance of sanitary, neat premises free from fire and health hazards; and
- b. the preparation of food that complies with Federal food safety regulations; and
- c. the planning and execution of menus in compliance with USDA requirements; and
- d. the purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy (see Policy 6320); and
- e. complying with food holds and recalls in accordance with USDA regulations; and
- f. the administration, accounting, and disposition of food service funds pursuant to Federal and State law and USDA regulations; and





7 C.F.R. Part 215  
7 C.F.R. Part 220  
7 C.F.R. Part 225  
7 C.F.R. Part 226  
7 C.F.R. Part 227  
7 C.F.R. Part 235  
7 C.F.R. Part 240  
7 C.F.R. Part 245  
7 C.F.R. Part 3015  
80 F.R. 11077

OMB Circular No. A-87 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

~~F.S. 1001.41, 1001.42, 1001.51, 1006.06,-  
F.A.C. 6A-7.0411, 6A-7.41, 6A-7.42(2), 6A-7.421, 6A-7.45, 6A-7.46  
7 C.F.R. 210, 215, 220, 240~~

~~Revised 4/10/07  
Revised 11/16/10  
Revised 7/22/14  
Revised X/XX/21~~

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## **8500 - FOOD SERVICES**

The Board recognizes the importance of maintaining a successful food service operation that promotes the development of a healthier lifestyle to support student achievement. The School Board shall provide cafeteria facilities in all school facilities where space and facilities permit and will provide food service for the purchase and consumption of breakfast, lunch and other foods for all students.

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

Breakfast meals shall be available to all students in each elementary, middle, and high school. The Board will do so by participating in the National School Breakfast Program and offering paid, free, and reduced-priced breakfast meals in accordance with United States Department of Agriculture (USDA) Guidelines. Further, the Board shall offer breakfast meals free of charge to all students in each elementary, middle, and high school in which eighty percent (80%) or more of the students are eligible for free or reduced-price meals.

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 the identity of students receiving free or reduced-price meals be safeguarded and kept confidential.

The Board shall, upon the recommendation of the Superintendent, establish the necessary staff and provide procedures for the operation of a food service program in each school in accordance with the procedures for a successful Five (5) Star Performance and Inspection and the Cafeteria Manager's handbook.

### **A. Food Service Program**

The District recognizes the importance of good nutrition to each student's educational performance.

This program shall be operated primarily as a service to students by providing:

1. attractive and nutritious meals for students; and
2. food service facilities designed to achieve the maximum in efficiency and cleanliness; and
3. worthwhile learning experiences which will contribute to the emotional, spiritual, aesthetic, and social development of students; and
4. the opportunity for students to develop good eating and social habits.

### **B. Staffing**

#### **1. Administrative Responsibility**

The operation and supervision of the food service program shall be the responsibility of the Food and Nutrition Services (FNS) Director. The District will adhere to the professional standards for all school nutrition personnel who manage and operate the food service program.

## 2. **Principal**

The Principal, in conjunction with the FNS Director and local school staff, shall have the following responsibilities:

- a. to comply with Federal and State laws, regulations, and the District policies; and
- b. to effect, through classroom instruction and learning experiences outside the classroom, ways to increase the students' knowledge of nutrition; and
- c. to schedule students to effect the greatest participation in the school food service program by providing sufficient time for all students to receive and consume a meal; and
- d. to comply with the food holds and recalls in accordance with USDA.

## 3. **Cafeteria Manager**

The Cafeteria Manager shall work under the direct supervision of the Principal of the assigned school, in conjunction with the FNS Director in accordance with Board policy, State law, and other applicable legal requirements.

## 4. **Other Food Service Personnel**

Additional personnel shall be employed in accordance with established procedures and job classifications. These persons shall be employed by the Board upon recommendation of the Principal. They shall work directly under the supervision of the Cafeteria Manager.

## C. **General Provisions**

### 1. **Availability of Meals**

Students, employees of the Board, Board members, and the invited guests of school Principals are the only persons who may eat in the school cafeteria.

The Board shall provide a Federal food service program for students during the 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.

### 2. **Competitive Foods**

The District shall serve only nutritious food in compliance with the current USDA dietary guidelines for Americans and USDA Smart Snacks in School nutrition guidelines. Foods and beverages in competition with the District's food service program must comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Brevard Public Schools Wellness Policy and Procedures and Board Policy 3315 – Student and Staff Wellness.

### 3. **Food Safety**

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 foodborne 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 authorized persons.

In accordance with Federal law, the FNS 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 will be posted in a publicly visible location, and a copy of the report will be available upon request.

#### **4. Dietary Modifications**

A request for substitutions to the standard meal requirements due to food allergies shall be accommodated, when requested by an adult student with a disability or the parent of a student with a disability, without delay and at no additional charge. The adult student with a disability or the parent of a student with a disability making such a request to the FNS Director shall be informed that medical certification that the student has a disability that restricts his/her diet in accordance with the criteria set forth in 7 C.F.R. Part 15b must be submitted within 10 school days from a health care provider who has prescriptive authority in the State of Florida or the dietary modification may be discontinued until such statement is received.

The medical certification must identify:

- a. the child's physical or mental impairment and why the student's disability or medical conditions necessitates such a restriction of the child's diet; and
- b. an explanation of what the food service program must do to accommodate the child's disability; and
- c. the food(s) to be omitted from the student's diet and the recommended food or choice of foods that must be substituted (e.g., substitute caloric modifications or use of liquid nutritive formula).

After a request for a dietary modification is submitted to the FNS Director, the Director shall notify the Principal, who will in turn notify the School Nurse and the members of the student's IEP or 504 Team that the dietary modification shall be made for the student, pending the receipt of the required medical certification.

If deemed necessary by the student's IEP or 504 Team, the dietary modification shall be included in the student's IEP or 504 plan.

An adult with a disability or the parent of a student with a disability who believes the accommodation requested is not being appropriately addressed may access the processes and assistance described in Policy 2260 and/or Policy 2260.01 by contacting the District's Compliance Coordinator named in those policies.

A request for substitutions to the standard meal requirements due to food allergies shall be accommodated, when requested by an adult student who is not identified as having a disability or the parent of a student who is not identified as having a disability, without delay and at no additional charge. An adult student who is not identified as having a disability or the parent of a student who is not identified as having a disability making such a request of

the FNS Director shall be informed that a signed medical statement from a health care provider who has prescriptive authority in the State of Florida that the student cannot consume certain food items due to a medical condition or some other special dietary need must be submitted within 10 school days or the dietary modification may be discontinued until such statement is received.

To qualify for continuing consideration and substitutions the medical statement must identify:

- a. the medical or dietary need that restricts the student's diet; and
- b. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted; and
- c. the food(s) to be omitted from the student's diet and the recommended food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

The request for such dietary modifications shall be submitted to the FNS Director, who shall notify the Principal, who will in turn notify the School Nurse that the dietary modification shall be made for the student. Upon request of the parent or adult student, a meeting of a team including the parent, the FNS Director, School Nurse, and Principal shall be convened to determine the specific substitution(s) that will be made to the standard meal pattern for the student.

For non-disabled students who need a nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required.

The food service program shall not accommodate a student's request for specific substitutions to the standard meal pattern requirements that is based solely on lifestyle choices.

#### **D. Cost of Meals**

The food service program shall be operated on a nonprofit basis. The price of meals shall be set by the Board upon the recommendation of the Superintendent. Food service employees are provided a meal during scheduled work hours in accordance with FNS procedures; other adults shall pay the Board-adopted adult sale price.

##### **1. Meal Accounts**

The Board recognizes that circumstances may result in a student having insufficient funds to cover the meal charge. However, no account will be allowed to incur a negative balance except as established below:

The Superintendent shall develop procedures regarding meal charges, which shall be implemented by the FNS Director. These procedures will provide direction so that students Districtwide who are eligible for reduced price or who pay the established price for meals, but do not have funds in their account or in hand to cover the cost of their meal at the time of service, are treated consistently, that parents of students who charge meals are notified when a student charges a meal, and that efforts are made to collect the charges made so that unpaid charges are not classified as "bad debt" at the end of the school year.

A student whose account has a negative balance may not charge a la carte items, including extra main course entrees.

- a. If a student has no funds, s/he shall be permitted to charge up to two regular reimbursable meals that follow the USDA meal pattern, the cost of which shall accrue to his/her account balance. The student's parent(s) shall be contacted to collect the outstanding charges.
- b. If an elementary student has a negative lunch account balance and has reached the charge limit, s/he shall be provided an alternate meal. The alternate meal will be a low-cost alternative to the regular reimbursable meal and shall meet USDA nutritional standards or the Smart Snacks in Schools regulations so that it qualifies for reimbursement under the National School Lunch Program.
- c. If a student withdraws or graduates and has a positive lunch account balance, the balance will be transferred to the school lunch hardship fund unless the parent requests a refund within 90 days of the withdrawal/graduation date.
- d. The Board's policy and Superintendent's procedure related to meal charges shall be included in the Code of Student Conduct which is provided to every student. This guideline will provide directions for students who are eligible for reduced price or paid meals but do not have funds in their account or in hand to cover the cost of their meal at the time of service.

**E. Operation of the Food Service Program**

1. With regard to the operation of the school food service program, the Superintendent shall require:
  - a. the maintenance of sanitary, neat premises free from fire and health hazards; and
  - b. the preparation of food that complies with Federal food safety regulations; and
  - c. the planning and execution of menus in compliance with USDA requirements; and
  - d. the purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy (see Policy 6320); and
  - e. complying with food holds and recalls in accordance with USDA regulations; and
  - f. the administration, accounting, and disposition of food service funds pursuant to Federal and State law and USDA regulations; and
  - g. the safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations; and
  - h. the regular maintenance and replacement of equipment; and
  - i. all District employees whose salaries are paid for with USDA funds or non-Federal fund used to meet a match or cost share requirement must comply with the District's time and effort record-keeping guidelines.
2. The Superintendent will require that the food service program serve foods in the schools of the District that reinforce the nutrition and wellness concepts taught in the classrooms in



accordance with the Brevard Public Schools Wellness Policy and Procedures and Board Policy 3315 – Student and Staff Wellness.

3. A periodic review of the food service accounts shall be made by the Florida Auditor General. Any surplus funds from the National School Lunch Program 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.

#### Legal References

F.S. 595.405

F.S. 1001.41

F.S. 1001.42

F.S. 1001.51

F.S. 1013.12

F.A.C. 5P-1.002

F.A.C. 5P-1.003

F.A.C. 5P-1.004

F.A.C. 5P-1.005

42 U.S.C. 1758

Health, 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 C.F.R. Part 15b

7 C.F.R. Part 210

7 C.F.R. Part 215

7 C.F.R. Part 220

7 C.F.R. Part 225

7 C.F.R. Part 226

7 C.F.R. Part 227

7 C.F.R. Part 235

7 C.F.R. Part 240

7 C.F.R. Part 245

7 C.F.R. Part 3015

80 F.R. 11077

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