

EFAA - MEAL CHARGING

Category: Required

Related Policies: AC, DAF, EFA, EFE, & JLCF

The Wilton Lyndeborough Cooperative School 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 breakfast and lunch from the school cafeteria. Each meal meets or exceeds the federal nutrition standards. Payment is expected no later than when the meal is served. Payment may be in cash (check) 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. 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 made out to Wilton-Lyndeborough Cooperative School District should be presented to the Cashier at the cafeteria, the Principal’s Office, or the Food Service Office. A check may also be mailed to: 192 Forest Rd. Lyndeborough, NH 03082. The District utilizes the services of www.MyMealTime.com. 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. The fee may not exceed \$25.00, RSA 358-C:5, I.) 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.

Each notice to parents will include information on how to verify a student meal account balance, to resolve concerns regarding the accuracy of the account balance, or to obtain information on the school meal program, including the name, title, hours when available, phone number, and e-mail address of an appropriate member of the District staff.

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Parental Restrictions on Use of Student Meal Account

Parents/guardians who fund a meal account for their student are responsible for establishing any restrictions with their student that the parent chooses to place on use of the account; any restrictions must be submitted in writing to the Food Service Director. Unless restricted by the parent, a student may purchase a la carte items in addition to the regular meal choices. 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 for meals. (The District's on-line payment system www.MyMealTime.com 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. This policy applies to all meal offerings generally available at the cafeteria. Example: Breakfast and lunch. Students with insufficient funds in their meal account will not be allowed to charge snack items, beverages, and a la carte items.

Balance Statements

The Superintendent shall establish a procedure at each school requiring that a low balance statement be sent to parents whenever the balance in a student's meal account falls to or below a set amount that approximates the amount typically necessary to pay for one week of meals.

The notices will be sent by e-mail when practical, otherwise by a note, sealed in an envelope, can be sent home with the student. Notice prior to the account reaching zero is intended to reinforce the requirement that a positive balance be maintained in the student meal account. If a student meal account falls into debt, the initial focus will be on resuming payments for meals being consumed to stop the growth of the debt. The secondary focus will be on restoring the account to routinely having a positive balance. Only Those District staff who have received training on the confidentiality requirements of federal and state law, including the United States Department of Agriculture's ("USDA") guidance for school meal programs, and 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).

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.

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Parents shall be provided with a copy of this policy and an application for free or reduced cost meals annually at the start of the school year through a mailing or in the parents' handbook, upon enrollment of a transfer student during the school year, and as a component of all notices sent to parents seeking payment to correct a negative balance in the student meal account. 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 enroll students found to be categorically eligible by the State of New Hampshire into the free and reduced meal program. 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 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 choose 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 email or phone, however if those efforts are unsuccessful, letters to parents may be sent home in sealed envelopes with the student. 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 balance statement requesting immediate payment shall be sent to parents no less than once each month.

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If the account continues to accumulate debt to negative \$50 or more and the parents/guardians do not respond to emails and/or phone calls, the District will send a letter to the parents/guardians. If the student continues to use the school meal program, a second letter will be sent to the parents/guardians using certified mail return receipt requested. Where extenuating circumstances of financial hardship exist and the family is not eligible for free or reduced cost meals, the District may work with the parents to identify and engage governmental and private charitable resources which are available to assist the family.

If a student with a negative balance in his or her meal account seeks to purchase a meal (or a la carte item) 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.

Unresolved Debt

If the District determines that the best available information is that the parents are able to pay the expenses of the student's meals and the parents decline to cooperate with resolving the debt in a timely manner, the District shall send a letter to the parents directing them to have their student bring meals from home and cease utilizing the school meal program. The student may resume using the school meal program when a positive account balance is restored in the student's meal account. Note: this does not apply to free or reduced priced meals.

If the student continues to use the school meal program, a second letter shall be sent to the parents using certified mail, return receipt requested. Note: this does not apply to free or reduced priced meals.

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 Superintendent may pursue payment through civil legal action, including filing a claim in small claims court pursuant to RSA Chapter 503. The Superintendent 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. Note: this does not apply to free or reduced priced meals.

The Superintendent shall try to identify non-profit charities that are willing to contribute funds to the district to assist in keeping a positive balance in the meal account of students whose parents do not qualify for free meals and who due to financial hardship are unable to consistently keep the student meal account in a positive balance.

If at the end of the fiscal year uncollected debt in student meal accounts must, as a last resort to fulfill federal requirements, be paid to the school meal program from other District funds, the

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parents' debt for unpaid meal charges shall be owed to the District. Note: this does not apply to free or reduced priced meals.

Applying the policy set forth above, the Superintendent shall determine if further collection efforts are in the best interest of the District. Any payments collected on debt that has been offset with District funds, shall be credited to the District. All debt collection efforts shall comply with RSA Chapter 358-C, New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act.

There are situations in which students possess positive balances in their food service account either at the end of high school or because of leaving the District. The Food Service Director will notify those account holders in late May of each school year of positive balances so they may be exhausted prior to the end of the school year or transferred to a sibling. Graduated students or students who have left the District have until October 1st of the following school year to request a reimbursement. After October 1st, any account balances under \$10 of graduated students or other students who have left the District will be retained by the Food Service Fund.

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, Section 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 request meal accommodations for students whose dietary needs qualify them for accommodation under law or to file a school meal program complaint with the District, contact WLC Food Services at phone number 603-732-9344.

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 and 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:

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(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.
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.

District Policy History:

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Second reading/adopted: May 28, 2024

District revision history: May 28, 2024

Legal References:

USDA Guidance SP37-2016

Meaningful Access for Persons with Limited English Proficiency (LEP) in the School Meal Programs

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.

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<i>RSA 189:11-a</i>	<i><u>Food and Nutrition Programs</u></i>
<i>RSA 358-C</i>	<i><u>New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act; NH Dept. of Education Technical Advisory - Food and Nutrition Programs</u></i>
<i>2 C.F.R. §200.426</i>	<i><u>Bad Debts</u></i>
<i>7 C.F.R §210.09</i>	<i><u>Agreement with State agency</u></i>
<i>7 C.F.R §210.10</i>	<i><u>Meal requirements for lunches and requirements for afterschool snacks</u></i>
<i>7 C.F.R §210.15</i>	<i><u>Reporting and recordkeeping</u></i>
<i>7 C.F.R. §245.5</i>	<i><u>Public announcement of the eligibility criteria</u></i>
<i>7 C.F.R. Part 15, Subpart A & B</i>	<i><u>Civil Rights Act of 1964 PENDING LINK</u></i>
<i>15 U.S.C. § 1692-1695</i>	<i><u>Federal Fair Debt Collection Practices Act (FDCPA)</u></i>
<i>42 U.S.C. 1758(b)(6)</i>	<i><u>Use or disclosure of information</u></i>

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.