

# PELHAM SCHOOL DISTRICT POLICY

## EFAA – SCHOOL NUTRITION PROGRAM MEAL CHARGING

*Category: Priority*

The District encourages all parents and guardians (hereinafter "parents") to provide a healthy breakfast and lunch for their student(s). Parents are welcome to send students to school with a "brown bag/lunch box" meal. The District provides the opportunity to purchase breakfast and lunch (as well as after school snacks) from the District. 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 meal account.

School nutrition programs are required by federal law to operate as non-profits which may not incur debt in each fiscal year. Uncollected debt must be paid to the school nutrition fund from the general fund on an annual basis. Therefore, parents of students required to pay the full or reduced price for meals must ensure that the school lunch program is paid for their student's meals. The District's policy is to quickly escalate efforts to bring student meal accounts into a positive balance, to avoid circumstances where these accounts build significant debt. The District may decide to utilize small claims court, pursuant to RSA Chapter 50, etc. to recoup outstanding meal debt. All debt collection efforts shall comply with RSA Chapter 358-C, New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act. Credit will not be extended to staff.

### **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: "Pelham School District" should be placed in an envelope with the student's name and grade/teacher written on it, and presented to the classroom teacher (at PES), cashier at the school cafeteria, or the Nutrition Service Office. A check may also be mailed to: Attn: Nutrition Department, 61 Marsh Road, Pelham NH 03076. The District utilizes the services of K12 Payment Center system vendor with URL:

[www.k12paymentcenter.com](http://www.k12paymentcenter.com). The use of checks or on-line payments is encouraged, as each provides a payment 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.

A fee of \$10.00 will be charged by the District to the parents for each check returned for insufficient funds. The fee may not exceed \$25.00, RSA 358-C:5, I. Parents are responsible for any additional fees assessed by their bank. 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 or verbal communication provided to a Parent to seek 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 who establish a meal account for their student are responsible for establishing with their student any restrictions the parent chooses to place on use of the account. Unless restricted by the parent, a student may purchase a la carte items in addition to the regular meal choices. Some students, as allowed in Grades 6 to 12 may purchase more than one meal at one sitting. After school snacks may also be purchased. Setting and ensuring compliance with limitations on the use of the student's meal account afford families an opportunity to develop their student's understanding of the responsible use of credit and debit accounts, which will benefit the student throughout life. Parents must monitor the student's use of the meal account to ensure that a sufficient balance is available at all times for their student to charge meals. The District's on-line payment system allows a parent to check their student's balance at any time.

### **Balance Statements**

The District will work proactively with parents to maintain a positive balance in their student's meal account. 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 \$10.00.

The notices will be sent by e-mail at least twice per week, and by letter provided sealed in an envelope, sent home with the student or mailed weekly. 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).

The District recognizes that unexpected financial hardships occur and will work with parents in this circumstance to limit the amount of accumulated debt. To do so, it is essential that parents respond to notices and cooperate with district staff efforts. Fairness and equal treatment requires that those able to pay, but who fall behind, must promptly bring their students meal account into a positive balance. The District's proactive approach is intended to help ensure students have healthy meals and that parents do not accumulate significant debt to the school meal program.

### **Free or Reduced Price Meals**

The District participates in the federally supported program to provide free or reduced price meals to students from families whose economic circumstances make paying for meals difficult. Income guidelines for eligibility are based on family size and are updated each year by the USDA. The District will ensure parents are informed of the eligibility requirements and application procedures for free or reduced cost meals as well as the requirements of this policy.

Parents shall be provided with a copy of this policy and an application for free or reduced cost meals annually at the start of the school year, sent home with each student, upon enrollment of

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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 proactively enroll students found to be categorically eligible into the free or reduced price meal program. The District will seek to enroll eligible students in the free or reduced price meal program upon learning from any source of the student's potential eligibility. When eligibility is established, the District will apply the earliest effective date permitted by federal and state law.

The District will provide a copy of this policy and application materials for free or reduced price meals to town welfare offices/human services offices and other local social service agencies who may have contact with parents who are confronting layoffs or other financial hardship.

In accordance with the PSD USDA compliant procedure, parents may appeal a negative determination to the Business Administration. A second level of appeal may be sought through the Superintendent, who shall make the final determination.

### **Student's Use of Meal Account**

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. An exception will be where the student's parents have provided the District with specific written or verbal 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.

For students in Grades 6 – 8, when the meal account is past due for 4 meals, the student will be offered an alternative meal until the account is paid in full. For students in Grades 9 – 12, when the meal account is past due for 2 meals, the student will be offered an alternative meal until the account is paid in full. A charge for the alternative meal will be posted to the student's meal account. See Alternative Meal section of this policy.

The District's policy is to ensure the students have access to healthy meals and that no student will be subject to different treatment from the standard school meal or school cafeteria procedures. Therefore, the District will allow students to purchase a meal with cash in hand, even if the student's meal account has insufficient funds. This policy applies to all meal

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offerings generally available at the cafeteria for breakfast or lunch, as well as a la carte items.

It is the parents' responsibility to provide their student with a meal from home or to pay for school prepared meals. Therefore, the District's policy is to direct communications to parents about student meal debt. When parents chose to provide meals sent from home, it is the parents' responsibility to explain to their student the necessity of the student not using the school meal program.

Initial efforts to contact parents will be by e-mail or phone, however if those efforts are unsuccessful, letters to parents may be sent home in sealed envelopes with the student or mailed. Where the District has not received a response from the parents or the parents do not cooperate in resolving negative student meal account balances and the student continues to use the school meal program, for students in grade six or higher, the Principal or designee may communicate directly with the student in a manner that is private and which does not publicly identify or stigmatize the student. Resolution of the problem should seek to ensure the student has ongoing access to a complete 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 week.

If the student's meal account balance debt grows to \$15.00 or more a letter requiring immediate payment shall be sent by US Mail to the parent or the parent shall be contacted by the Principal or designee by phone or in person.

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 parents' debt for unpaid meal charges shall be owed to the District.

### **Staff Enforcement of Policy/Training**

A copy of this policy and refresher training shall be provided annually to all food service and school staff responsible for serving student meals or enforcing this policy. New staff with these responsibilities shall be provided with a written copy of the policy and training on the policy during their initial training or orientation. In accordance with federal requirements, a record shall be maintained documenting that new staff receive the policy and training. The record must also document that all applicable staff receive a copy of the policy and refresher training annually.

### **Student with Special Dietary Needs**

Nothing in this policy prohibits providing an appropriate meal to a student with special dietary needs such as, but not limited to, diabetes, provided these needs have been documented in a health plan, Sec 504, or IEP. If the meal is medically required, and the student has a negative student meal account balance, or does not have cash to purchase the meal, the necessary dietary needs will be met.

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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 the Director of Nutrition and Wellness at phone number 603-635-7384.

To file a program complaint of discrimination with the USDA, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) 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:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This District is an equal opportunity provider.

**Nondiscrimination**

It is the District's policy that in the operation of child feeding programs, no child will be discriminated against because of race, sex, color, national origin, age, or disability. 7 C.F.R. 245.5(a) (1)(viii). Students will not be denied meals due to the existence of other unpaid charges at the school or for disciplinary reasons.

**Assessment for Neglect Reporting**

If a student who has been determined to be ineligible for free or reduced cost meals or whose parents have refused to cooperate with filing an application for free or reduced cost meals is consistently not provided with meals, either through a meal sent from home or the payment for a meal through the school meal program, the Principal will assess whether a report of child neglect is warranted to the New Hampshire Department of Health and Human Services, Division for Children, Youth, & Families, as required by RSA 169-C:29-31.

**Alternative Meals**

For students in Grades 6 – 8, when the meal account is past due for 4 meals, the student will be offered an alternative meal until the account is paid in full. For students in Grades 9 – 12, when the meal account is past due for 2 meals, the student will be offered an alternative meal until the account is paid in full.

In accordance with state law, the alternative meal will be one of the meal choices generally available to all students. Alternative meals include the student's choice of a sunbutter and jelly sandwich or ham and cheese sandwich as well as the student's choice of a fruit, a vegetable and

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a milk from the daily options. The account will be charged for the meal.

The purpose of limiting students with negative balance meal accounts to the alternative meal is to mitigate the losses to the District from providing uncompensated meals, while ensuring that the student has access to a healthy meal. These students will also not be allowed to charge a la

carte or extra items, with the exception of water and milk (a la carte) at Pelham Elementary School for up to \$4.00.

It is the parents' responsibility to explain to the student that only alternative meals may be charged. A notice which directs the parent to have their student select only the alternative meal and not to charge a la carte or extra items, until the student's meal account is brought into positive balance, will be included with the communication requesting payment of the negative balance. The notice will include the information necessary for the parent to explain to the student how to select the alternative meal. For students in grade six and above, if the student continues to select other meal choices, the student may be spoken with privately and advised that in accordance with the notice provided to the parents, the student may only select the alternative meal and may not charge a la carte or extra items until the meal account is brought into a positive balance.

**See also JLCF, EF, EFA & EFE**

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**District Policy History:**

*Adopted: March 04, 2020*

**Legal References**

*15 U.S.C. § 1692-1695 federal Fair Debt Collection Practices Act (FDCPA) 42*

*U.S.C. 1758(b)(6), Use or disclosure of information*

*Civil Rights Act of 1964 & 7 C.F.R. Part 15, Subpart A & B*

*2 C.F.R. §200.426*

*7 C.F.R §210.09*

*7 C.F.R §210.10*

*7 C.F.R §210.15*

*7 C.F.R. §245.5*

*USDA SP 46-2016 - No later than July 1, 2017, all SFA's operating the Federal school meal program are required to have a written meal charge policy.*

*USDA Guidance SP37-2016: Meaningful Access for Persons with Limited English Proficiency (LEP) in the School Meal Programs*

*RSA 189:11-a*

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