534   EDUCATION DISTRICT MEALS POLICY

[Note: In 2021, the Minnesota legislature amended Minnesota Statutes, section 124D.111, to require that Minnesota education districts that participate in the national school lunch program adopt a school meals policy. In 2023, the Minnesota legislature amended the statute to create the free school meals program].

[Note: This MSBA/MASA model policy is drafted to be consistent for all grade levels. However, local education districts may vary the meal charge policy for elementary, middle, and high schools.]

[Note: Education districts must follow appropriate debt collection practices when attempting to recover unpaid a la carte items or second meal charges.]

I.   PURPOSE

The purpose of this policy is to ensure that students receive healthy and nutritious meals through the education district's nutrition program and that education district employees, families, and students have a shared understanding of expectations regarding meal charges. The policy of the education district is to provide meals to students in a respectful manner and to maintain the dignity of students by prohibiting lunch shaming or otherwise ostracizing the student. The policy seeks to allow students to receive the nutrition they need to stay focused during the school day and minimize identification of students with insufficient funds to pay for a la carte items or second meals as well as to maintain the financial integrity of the school nutrition program.

II.   PAYMENT OF MEALS

[Note: Payment systems and procedures will likely vary from education district to education district. The education district should select one of the following options and delete the remaining options.]

A.

Students have use of a meal account. When the balance reaches zero, a student may charge no more than $15 or 5 to this account. When an account reaches this limit, a student shall not be allowed to charge second meals or a la carte items until the negative account balance is paid. Families may add money to students accounts via electronic payment options or by paying at the education district office.

If the education district participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage below the federal percentage determined for all meals to be reimbursed at the free rate via the Community Eligibility Provision must participate in the free school meals program.

B.   A school that participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage at or above the federal percentage determined for all meals to be reimbursed at the free rate must participate in the federal Community Eligibility Provision in order to participate in the free school meals program.

C. Each school that participates in the free school meals program must:

(1) participate in the United States Department of Agriculture School Breakfast Program and the United States Department of Agriculture National School Lunch Program; and

(2) provide to all students at no cost up to two federally reimbursable meals per school day, with a maximum of one free breakfast and one free lunch.

D. Once a meal has been placed on a student's tray or otherwise served to a student, the meal may not be subsequently withdrawn from the student by the cashier or other education district official, whether or not the student has an outstanding meals balance.

E. When a student has a negative account balance, the student will not be allowed to charge a snack item.

F. If a parent or guardian chooses to send in one payment that is to be divided between sibling accounts, the parent or guardian must specify how the funds are to be distributed to the students' accounts. Funds may not be transferred between sibling accounts unless written permission is received from the parent or guardian.

III.   LOW OR NEGATIVE ACCOUNT BALANCES – NOTIFICATION

A. The education district will make reasonable efforts to notify families when meal account balances are low or fall below zero.

B. Families will be notified of an outstanding negative balance once the negative balance reaches 15 or *5]*. Families will be notified by *[insert the method used to notify* Families will be notified by email or letters sent home.

C. Reminders for payment of outstanding student meal balances will not demean or stigmatize any student participating in the school lunch program, including, but not limited to, dumping meals, withdrawing a meal that has been served, announcing or listing students' names publicly, providing alternative meals not specifically related to dietary needs; providing non reimbursable meals; or affixing stickers, stamps, or pins.

IV.   UNPAID MEAL CHARGES

A. The education district will make reasonable efforts to communicate with families to resolve the matter of unpaid charges. Where appropriate, families may be encouraged to apply for free or reduced-price meals for their children.

B. The education district will make reasonable efforts to collect unpaid meal charges classified as delinquent debt. Unpaid meal charges are designated as delinquent debt when payment is overdue, the debt is considered collectable, and efforts are being made to collect it.

C. Negative balances of more than $25, not paid prior to *April 30*, will be turned over to the executive director or executive director's designee for collection. In some instances, the education district does use a collection agency to collect unpaid school meal debts after reasonable efforts first have been made by the education district to collect the debt. Collection options may include, but are not limited to, use of collection agencies, claims in the conciliation court, or any other legal method permitted by law.

D. The education district may not enlist the assistance of non-education district employees, such as volunteers, to engage in debt collection efforts.

E. The education district will not impose any other restriction prohibited under Minnesota Statutes, section 123B.37 due to unpaid student meal balances. The education district will not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.

V. COMMUNICATION OF POLICY

A. This policy and any pertinent supporting information shall be provided in writing (i.e., mail, email, back-to-school packet, student handbook, etc.) to:

   1. all households at or before the start of each school year;

   2. students and families who transfer into the education district, at the time of enrollment; and

   3. all education district personnel who are responsible for enforcing this policy.

B. The education district will post this policy on the education district's website, or the website of the organization where the meal is served, in addition to providing the required written notification described above.

C. If the education district contracts with a third party for its meal services, it will provide the vendor with its education district meals policy. The education district will ensure that any third-party provider with whom the education district enters into either an original or modified contract after July 1, 2021, adheres to the education district's school meals policy.

Legal References: Minn. Stat. § 123B.37 (Prohibited Fees)
Minn. Stat. § 124D.111 (School Meals Policies; Lunch Aid; Food Service Accounting)
42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)
7 C.F.R. § 210 *et seq.* (School Lunch Program Regulations)
7 C.F.R. § 220.8 (School Breakfast Program Regulations)
USDA Policy Memorandum SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies (2016)
USDA Policy Memorandum SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments (2016)
USDA Policy Memorandum SP 23-2017, Unpaid Meal Charges: Guidance and Q&A

Cross References: None