

## **Operational Services**

### **Free and Reduced-Price Food Services** <sup>1</sup>

#### Notice

The Superintendent shall be responsible for implementing the District's free and reduced-price food services policy and all applicable programs. <sup>2 3</sup>

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

**1** State or federal law controls this policy's content. A policy on eligibility for free and reduced-price meals is required by 7 C.F.R. §245.10 for districts participating in the National School Lunch or Breakfast Programs. See f/n 2 below for more information about programs.

**2** Every public school must have a free lunch program. School Breakfast and Lunch Program Act, 105 ILCS 125/.

Each school where at least 40% or more of the students are eligible for free or reduced-price lunches must operate a school breakfast program. Childhood Hunger Relief Act, 105 ILCS 126/15. A school district may opt-out if the expense reimbursement would not fully cover the costs of implementing and operating the breakfast program. To do so, the district must petition its regional superintendent by February 15. The regional superintendent, after a public hearing, and by March 15, informs the district of his or her decision. If the regional superintendent does not grant an exemption, the district must implement a school breakfast program by the first student attendance day of the next school year. However, the school district or a resident of the school district may appeal the regional superintendent's decision to the State Superintendent of Education.

School districts must, by February 15, promulgate a plan to serve breakfast and/or lunch at each school where 50% or more of the students are eligible for free or reduced-price school meals *and* have a summer school program operating during the summer months. 105 ILCS 126/20. School districts must implement these programs every summer as long as the school district has a school or schools that meet the criteria. If a school building with a 50% or greater free and reduced percentage does not operate a summer school program, the school district shall make information available regarding the number of children in the school eligible for free or reduced-price school meals upon request by a non-profit organization. A school district may utilize an *opt-out* provision if documentation shows the expense reimbursement would not fully cover the costs of implementing and operating a program. To do so, the district must petition its regional superintendent of schools by January 15. The regional superintendent, after a public hearing, and by March 1, informs the district of his or her decision. If the regional superintendent does not grant an exemption, the district must implement and operate the summer food program the summer following the current school year. However, the school district or a resident of the school district may appeal the regional superintendent's decision to the State Superintendent of Education who shall hear appeals and make a final decision no later than April 1. Resources for promulgating a plan for a summer breakfast or lunch (or both) food service program are available on ISBE's website at: [www.isbe.net/Pages/National-School-Lunch-Program.aspx](http://www.isbe.net/Pages/National-School-Lunch-Program.aspx) and [www.isbe.net/Pages/Seamless-Summer-Option.aspx](http://www.isbe.net/Pages/Seamless-Summer-Option.aspx).

105 ILCS 126/16, added by P.A. 99-850, requires qualifying school districts to implement and operate a *breakfast after the bell* program in each of its school buildings where:

1. At least 70% or more of the students are eligible for free or reduced-price lunches based upon the previous year's October claim (for those schools that participate in the National School Lunch Program,
2. At least 70% or more of the students are classified as low-income according to the Fall Housing Data from the previous year (for those schools that do not participate in the National School Lunch Program), or
3. An individual building's site percentage for free or reduced-price meals of 70% or more (for those schools using Provision 2 under Section 11(a)(1) of the federal Richard B. Russell National School Lunch Act or the Community Eligibility Provision under Section 104(a) of the federal Healthy, Hunger-Free Kids Act of 2010 to provide universal meals).

Schools that fall below the applicable 70% threshold for two consecutive years may either continue participating in the program or discontinue it. *Id.*

Each school under this Section may determine the *breakfast after the bell* service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second-chance breakfast. *Id.* at (c).

A district is not required to implement a breakfast after the bell program when it can demonstrate that:

- i) Delivery of school breakfasts effectively, as defined by 70% or more of free or reduced-price eligible students participating in the School Breakfast Program, or

## Eligibility Criteria and Selection of Children 4

A student's eligibility for free and reduced-price food services shall be determined by the income eligibility guidelines, family-size income standards, set annually by the U.S. Dept. of Agriculture and distributed by the Ill. State Board of Education.

## Notification 5

At the beginning of each school year, by letter, the District shall notify students and their parents/guardians of: (1) eligibility requirements for free and reduced-price food service; (2) the application process; (3) the name and telephone number of a contact person for the program;<sup>6</sup> and (4) other information required by federal law. The Superintendent shall provide the same information to: (1) informational media, the local unemployment office, and any major area employers contemplating layoffs;<sup>7</sup> and (2) the District's website (if applicable), all school newsletters, or students' registration materials.<sup>8</sup> Parents/guardians enrolling a child in the District for the first time, any time during the school year, shall receive the eligibility information.

## Nondiscrimination Assurance 9

The District shall avoid publicly identifying students receiving free or reduced-price meals and shall use methods for collecting meal payments that prevent identification of children receiving assistance.

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- ii) Its reimbursement for the program would not fully cover its implementation and operation costs due to district-specific circumstances (a cost analysis must be submitted to the school board, the board must hold a public hearing, and the board must pass a resolution that the district cannot afford to operate a breakfast after the bell program).

A board must post the time, date, place, and general subject matter of the public hearing on its website and notify the State Board of Education at least 14 days prior to the hearing. Id. at (d).

**3** 7 C.F.R. §245.10(a)(1).

**4** 7 C.F.R. §245.3; see also the subhead titled Household Eligibility Criteria on State Board of Education's website at [www.isbe.net/Pages/School-Based-Child-Nutrition-Documents.aspx](http://www.isbe.net/Pages/School-Based-Child-Nutrition-Documents.aspx). If a child transfers from one district school to another district school, his or her eligibility for free or reduced price meals or for free milk, if previously established, is honored by the receiving school.

Beginning in the year 2011-2012, the U.S. Depts. of Agriculture and Education implemented a new claiming option for providing reimbursements to school districts that provide free breakfasts and lunches to all students in schools with significantly economically disadvantaged populations. It is called the Community Eligibility Provision (CEP). For more information about qualifying for and claiming through this reimbursement method, see [www.isbe.net/Pages/Guidance-for-HHFA.aspx](http://www.isbe.net/Pages/Guidance-for-HHFA.aspx).

For districts that qualify for and claim the CEP, insert the following sentence at the end of the first sentence:

From time to time, the income eligibility guidelines and standards may not be necessary when reimbursements for students' free breakfasts and lunches are claimed through the U.S. Depts. of Agriculture and Education's Community Eligibility Provision (CEP). When claiming the CEP, the District will follow its requirements.

**All subheads in this policy that detail the legal requirements under State and federal laws continue to apply when CEP is used and should remain in the policy.**

**5** 7 C.F.R. §245.5; 23 Ill.Admin.Code §305.10(c). Any changes in the eligibility criteria must be announced according to 7 C.F.R. §245.5(b).

**6** 23 Ill.Admin.Code §305.10(c) requires notification of this one additional piece of information.

**7** 7 C.F.R. §245.5.

**8** 23 Ill.Admin.Code §305.10(c). Only one medium must be used; a board may choose one medium and delete the others from the policy or use them all.

**9** 7 C.F.R. §§245.8 and 245.10(a)(4).

## Appeal 10

A family may appeal the District's decision to deny an application for free and reduced-price food services or to terminate such services as outlined by the U.S. Dept. of Agriculture in 7 C.F.R. §245.7, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools. The Superintendent shall establish a hearing procedure for adverse eligibility decisions and provide by mail a copy of them to the family. The District may also use these procedures to challenge a child's continued eligibility for free or reduced-price meals or milk.

During an appeal, students previously receiving food service benefits shall not have their benefits terminated. Students who were denied benefits shall not receive benefits during the appeal.<sup>11</sup>

The Superintendent shall keep on file for a period of three years a record of any appeals made and the hearing record. The District shall also maintain accurate and complete records showing the data and method used to determine the number of eligible students served free and reduced-price food services. These records shall be maintained for three years.

LEGAL REF.:      U.S. Dept. of Agriculture, Food and Nutrition Service, National School Lunch Program, 7 C.F.R. Part 210.  
U.S. Dept. of Agriculture, Food and Nutrition Service, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools, 7 C.F.R. Part 245.  
105 ILCS 125/ and 126/.  
23 Ill.Admin.Code §305.10 et seq.

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**10** 7 C.F.R. §245.7. The minimal hearing requirements are also found there.

**11** The Hunger-Free Students' Bill of Rights Act (HFSBRA) (105 ILCS 123/, added by P.A. 100-1092) requires the district to provide a free meal or snack to a student who requests it, regardless of his or her ability to pay. See f/ns to sample policy 4:45, *Insufficient Fund Checks and Debt Recovery*, for more information about this law. The HFSBRA does not contain a publication requirement.

For boards that wish to inform their communities about students' rights under the HFSBRA, add "105 ILCS 123/, Hunger-Free Students' Bill of Rights Act" to the Legal References and insert the following sentence:

The status of a student's appeal or eligibility for free or reduced-price food services shall not relieve the District of its obligation to provide him or her with a free meal or snack under the Hunger-Free Students' Bill of Rights Act if he or she requests one, regardless of his or her ability to pay.