

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3231(a)

Business and Non-Instructional Operations

Medical Reimbursement for Special Education Students

The Board of Education (Board) will seek Medicaid reimbursement for eligible medically related services* provided to Medicaid eligible special education students in accordance with federal and state law. The Board shall enroll as a provider in the state medical assistance program, participate in the Medicaid School Based Child Health Program administered by the Department of Social Services, and submit billable service information electronically to the Department of Social Services, or its billing agent.* The Board may enter into an agreement with a third party or another board of education to comply with these requirements, The Board realizes that such third-party vendor agreements to provided that cost for the above services paid from, and contingent on receipt of sufficient funds from, grants the Department of Social Services makes to boards of education based on Medicaid claims for special education services provided to District students.

~~*Optional: The Board of Education, having a student population of less than one thousand students, may conduct a cost benefit analysis in a form prescribed by the Commissioner of Social Services to determine whether the cost to participate in the medical assistance program exceeds the revenue that would be generated for the Board. The Board, if exempted from the requirements of this policy after such cost benefit analysis, shall complete and submit such analysis to the Commissioner of Social Services every three years in order to remain exempt.~~

Note: *The Commissioner of Social Services is required by September 1, 2018 to develop a cost benefit analysis model and to also determine the feasibility of directly certifying students as eligible for Medicaid on behalf of Boards of Education.*

The Board, as required, will determine a child's Medicaid enrollment status, and will provide written notification to the parent/guardian of the student before accessing the student's or parent's or guardian's public benefits or insurance for the first time and prior to the one-time parental or guardian consent and annually thereafter.

The Board will provide written notification to all parents and guardians of children who are Medicaid eligible and currently receiving School Based Child Health (SBCH) services under an individualized education plan (IEP) prior to obtaining parental consent and prior to the continuation of billing Medicaid for the services. The Board will obtain parental consent from all parents and guardians who are Medicaid eligible and receiving SBCH services under an IEP, in order to access their public benefits or insurance to pay for services under the IDEA.

**Note: Districts can bill for health-related services that are outlined in the student's IEP. In general, services for which a school district may bill Medicaid are: audiologist services, evaluation and testing, nursing services, occupational therapy, physical therapy, speech therapy, psychological services and social work services.*

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P3231(b)

Business and Non-Instructional Operations

Medical Reimbursement for Special Education Students

Legal Reference: Connecticut General Statutes
10-76d Duties and powers of boards of education to provide special education programs and services. State agency placements; apportionment of costs. (as amended by June 2017 Special Session PA 17-2, Sec. 51 and PA 18-182)

42 CFR Parts 431, 433 and 440, Medicaid Program; Elimination of Reimbursement Under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Children Between Home and School

5.299, The Medicare, Medicaid & SCHIP Extension Act of 2007
34 C.F.R. §300.154(d) – Individuals with Disabilities Act (IDEA)-Part B, related to parental consent to access public benefits or insurance

Policy adopted:

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The Board of Education (Board) will seek Medicaid reimbursement for eligible medically related services provided to Medicaid eligible special education students in accordance with federal and state law. The services for which the Board may bill Medicaid include audiologist services, evaluation and testing, nursing services, occupational therapy, physical therapy, speech therapy, psychological services and social work services.

The Board will utilize the following procedures:

1. The Board of Education will determine, for each student who requires special education services and for each student who is referred to special education, if that child is eligible for Medicaid.
2. The Board will obtain a one-time written consent form from the parent or guardian, after providing the written notification described below, before accessing the student's or the parent's or guardian's public benefits or insurance for the first time. This consent must specify the following:
 - A. The personally identifiable information that may be disclosed (such as records or information about the services that may be provided to a particular student);
 - B. The purpose of the disclosure (such as billing for services);
 - C. The agency to which the disclosure may be made (such as Medicaid); and
 - D. That the parent or guardian understands and agrees that the District may access the student's, or the parent's or guardian's public benefits or insurance to pay for the services.
3. The Board will provide written notification to the student's parents or guardians before accessing the student's or the parent's or guardian's public benefits or insurance for the first time and prior to obtaining the one-time parental or guardian consent and annually thereafter. The written notification must explain all of the protections available to parents and guardians under Part B of the Individuals with Disabilities Act, as described in 34 C.F.R. §300.154(d)(2) (v) to ensure that parents or guardians are fully informed of their rights before the District can access their or their child's public benefits or insurance to pay for services under the IDEA. The notice must be written in language understandable to the general public and in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless it is clearly not feasible to do so.
4. If any child is eligible for Medicaid, but not a current Medicaid recipient, the Board will request and assist the parent or guardian of that child with applying for Medicaid.

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R3231(b)

Business/Non-Instructional Operations

Medical Reimbursement for Special Education Students (continued)

5. If any child is eligible for Medicaid, the Board will request that the parent or guardian of the child give written permission to allow the Board to request Medicaid reimbursements for eligible health related special education costs.
 - A. If written permission described is received, the Board will submit claims to Medicaid through the State Department of Administrative Services for reimbursement of any health related cost.
 - B. If written permission is denied, the Board will terminate its efforts to secure Medicaid reimbursements otherwise applicable to the child.
6. Whether the parent or guardian refuses or gives consent to the Board to access Medicaid, reimbursement is strictly optional.
7. Whether the parent or guardian refuses or gives consent to the Board to access Medicaid reimbursement, the child will receive all special education services to which he/she is entitled without delay, at no cost to the parent or guardian.
8. The Board will provide written notification to all parents and guardians of children who are Medicaid eligible and currently receiving School Based Child Health (SBCH) services under an individualized education plan (IEP) prior to obtaining parental consent and prior to the continuation of billing Medicaid for the services. After such date, the Board will obtain parental consent from all parents and guardians who are Medicaid eligible and receiving SBCH services under an IEP, in order to access their public benefits or insurance to pay for services under the IDEA.
 - A. The written notification shall be provided prior to the student's planning and placement team (PPT) meeting.
 - B. The parent or guardian shall complete and sign the consent form at the PPT meeting.
 - C. Once the district obtains this one-time consent, it is not required to obtain any further parental or guardian consent in the future. However, written notification must be provided annually.

~~***Optional:** The Board of Education, having a student population of less than one thousand students, may conduct a cost benefit analysis in a form prescribed by the Commissioner of Social Services to determine whether the cost to participate in the medical assistance program exceeds the revenue that would be generated for the Board. The Board, if exempted from the requirements of this policy after such cost benefit analysis, shall complete and submit such analysis to the Commissioner of Social Services every three years in order to remain exempt.~~

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R3231(c)

Business/Non-Instructional Operations

Medical Reimbursement for Special Education Students (continued)

Legal Reference: Connecticut General Statutes

10-76d Duties and powers of boards of education to provide special education programs and services. State agency placements; apportionment of costs. (as amended by P.A. 99-279 An Act Concerning Programs and Modifications Necessary to Implement the Budget Relative to the Department of Social Services and PA 18-182.)

42 CFR Parts 431, 433 and 440, Medicaid Program; Elimination of Reimbursement Under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Children Between Home and School

5.299, The Medicare, Medicaid & SCHIP Extension Act of 2007

34 C.F.R. §300.154(d) – Individuals with Disabilities Act (IDEA) Part B, related to parental consent to access public benefits or insurance

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Regulation approved:

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Policy Service

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P3240

Business and Non-Instructional Operations

Tuition Fees

The Board of Education will permit non-resident students from other school districts to attend local schools when they can be accommodated in existing classes. The students or their sending district shall pay a tuition fee to be established annually by the Board of Education. Students will be charged any excess costs for programs and services provided beyond the general education curriculum in addition to the base tuition rate. Non-resident attendance with tuition shall be for one school year or less to be extended pending approval. The Superintendent shall retain the right to terminate a non-resident student should the student violate school or district policy as set forth in the contract between the parents/guardians and the Board. The tuition fee may be adjusted as changes in costs indicate unless a multiple year agreement to provide educational facilities is entered into with another Board of Education. Notice shall be given at least one year prior to the discontinuance of service for non-resident high school students.

When a student is accepted into a special education program, the tuition cost shall be the total of any excess costs for programs and services provided beyond the general education curriculum. The per student expense is defined as the approved annual budget less transportation, special education, and free/reduced lunch which is then divided by the project enrollment.

Optional language for a district operating a vo-ag program:

The Board shall establish a tuition rate for out-of-district students attending the vocational agricultural program that is in conformity with section 10-65 of the general statutes.

Legal Reference: Connecticut General Statutes
10-33 Tuition in towns in which no high school is maintained.
10-35 Notice of discontinuance of high school service to nonresidents.
10-55 Pupils to attend regional school.
10-65 Grants for constructing and operating vocational agricultural centers. Tuition charges (amended by PA 04-197)
10-220 Duties of boards of education.
10-253 School privileges for children in certain placements, nonresident children and children in temporary shelters.
10-266 Reimbursement for education of pupils residing in state property.

Policy adopted:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

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Business and Non-Instructional Operations

Materials/Services Fees, Charges

In line with the responsibility of the state to provide a free public school education, the Board of Education will provide all instructional equipment, books and materials needed to maintain the desired instructional program free of charge, subject to reasonable rules concerning their care and use.

Students will be charged for damaged or lost textbooks, library materials and other educational materials. The Principal is authorized to withhold grades, transcripts, diplomas or report cards until payment is received or material is returned. **The superintendent may consider genuine extenuating circumstances in waiving charges.**

Copies of Records

Any person who applies in writing will receive a plain or certified copy of any public record. A fee not to exceed fifty cents per page will be established, as provided by law.

Legal Reference:

Connecticut General Statutes

1-15 Application for copies of public records.

10-221 Boards of education to prescribe rules.

10-228 Free textbooks, supplies, material and equipment.

10-228a Free textbooks, supplies, material and equipment.

10-229 Change of textbooks.

Policy adopted:

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Business and Non-Instructional Operations

Sales and Disposal of Obsolete Books, Equipment, and Supplies

For items, or groups of items, having a current value of \$2,000 or more, obsolete or surplus books, equipment, and supplies shall be removed from the school district's inventory and disposed of only with the approval of the Board of Education; items with values less than \$2,000 may be disposed of upon the authority of the Superintendent of Schools. Upon approval of the Superintendent of Schools, items with no useful life or monetary value may be disposed of without further reference to this policy.

Procedures for disposal of obsolete or surplus equipment/materials shall be as follows:

1. Prior to public sale, the Superintendent shall notify all town agencies of the equipment or materials approved for disposal and shall request a written response within ten (10) days indicating the town agency's interest, or lack thereof, in such equipment or materials. The Superintendent of Schools may waive this procedure for material clearly not useful to other town agencies.
2. In the event that two or more agencies express interest in the equipment or materials, the Superintendent of Schools will determine which agency can make the best use of the equipment or materials and authorize transfer of the item to the appropriate town agency.
3. All transfers to town agencies shall be at no cost to the receiving agency.

Obsolete or surplus equipment/materials not transferred to town agencies may be sold at public sale. Community groups or organizations shall receive preference over individuals. Equipment/materials shall not be sold to an employee of the school district unless the equipment is offered for sale to the general public. Under those circumstances, the employee shall receive an equal, but not preferential, opportunity to purchase the equipment/materials.

Legal Reference: Connecticut General Statutes
 10-47 Powers of regional board. Meetings.
 10-220 Duties of boards of education. Policy adopted:
 10-241 Powers of school districts

Policy adopted:

3260
Form

Sales & Disposal of Obsolete Books, Equipment & Supplies

It is recommended that the equipment/materials below be designated obsolete or surplus and disposed in accordance with Board of Education policy.

Estimated current value is \$2,000 or more _____
Estimated current value is less than \$2,000 _____ (Check one)
No monetary value _____

Name of item _____

Brief description _____

Model name and number _____

Serial number _____ Tag number _____

Approximate date of purchase _____

Estimated remaining useful life _____

Any other pertinent data

Location of items _____

School/Department _____

Administrator's Signature _____ Date _____

Business and Non-Instructional Operations

Gifts, Grants, and Bequests

The Board of Education may accept on behalf of and for the schools any bequest or gift of money or property for a purpose deemed by the Board of Education to be suitable, and to utilize such money or property so designated.

The Superintendent of Schools shall set up criteria to be met in the acceptance of gifts, and the procedure for examining and evaluating offers of gifts to the district.

All gifts shall be accepted for the school district as a whole, and not for a particular school. At the discretion of the Superintendent, the gift may be used in a particular school.

~~Gifts and Donations Through Crowdfunding~~

~~For the purposes of this policy, crowdfunding is the process of requesting a specific gift or donation to fund a specific purchase or project, typically through websites or social media designated for this purpose. Crowdfunding does not include requests for donations the District makes using the District's own website or social media.~~

~~Crowdfunding is a unique form of fundraising. Therefore, the following rules will apply whenever the District, a District employee, or other volunteer or agent of the District seeks gifts and donations through a crowdfunding website intended to benefit the District, District employees acting in their capacity as District employees, or the District's students. Before any donation is requested, the building Principal, must be informed of the request to ensure that the request does not conflict with other fund-raising efforts or, if classroom supplies or other property is requested, that the District does not already have the requested supplies or the District can adequately support, store or maintain the gift if received.~~

~~All donations or gifts that are requested using the District's name, referencing the employee's position with the District even if the District is not named, or requested on behalf of the students specifically or in general are considered District property. The Superintendent or his/her designee will be informed if donations or gifts are received using crowdfunding so that the gift may be appropriately acknowledged by the District, and the donation may be deposited in the appropriate District account or a gift may be inventoried.~~

Legal Reference: Connecticut General Statutes
7-194 Powers.
10-9 Bequests for educational purposes.

Policy adopted:

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Business and Non-Instructional Operations

Grants and Other Revenue

The Board encourages the Superintendent to secure federal, state and private grants, or other alternative funding sources for use in curriculum development, staff development, instructional or activity programs and other areas as directed by the Board.

The Superintendent shall ensure that procedures governing the procurement, use, management, and disposal of goods, materials, and equipment purchased with all grants, or alternative funds, will follow applicable state and federal regulations and existing policies and controls.

~~After the annual school budget is set by the voters, the town raises from local property taxes such funds as are necessary to meet the approved budget allocation.~~ The Superintendent shall make application for all state and federal aid to which the school system is entitled. All state and federal grants received directly by the school board shall be managed in accordance with state and federal guidelines.

The Board shall approve all grant applications before their submission. The Superintendent and/or his/her designee is authorized to sign all required forms for state and federal programs.

Legal Reference: Connecticut General Statutes

10-76d Duties and powers of boards of education to provide special education programs and services. State agency placement; appointments of costs. (as amended by P.A. 99-279 An Act Concerning Programs and Modifications Necessary to Implement the Budget Relative to the Department of Social Services)

10-220 Duties of boards of education

IDEA 42 U.S.C. 1400 et sec (IDEA)

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P3542(a)

Business and Non-Instructional Operations

Food Service

School Lunch Service

The Board of Education (Board) recognizes that students require adequate, nourishing food and beverages in order to grow, learn and maintain good health. It is the intent of the Board that District schools take a proactive effort to encourage students to make nutritious food choices. The Board directs that students shall be provided with adequate space and time, of at least 20 minutes for full-day, to eat meals during the school day.

The District shall offer nutritious meals to all students without regard to race, color, age, creed, religion, gender, sexual orientation, gender identity or expression ancestry, national origin, marital status, pregnancy, ~~or~~ disability, ~~or the ability to pay~~.

~~The Board shall provide food service { } for school breakfasts; { } for school lunches that meets the nutritional standards required by state and federal school breakfast and lunch programs. (Alternate language: The District shall participate in the { } School Breakfast Program (SBP), { } National School Lunch Program (NSLP), Child and Adult Care Food Program (CACFP), Summer Food Program (SFP), and the Fresh Fruit and Vegetable Program (FFVP){ } Special Milk Program (SMP). The District's NSLP, SBP and SMP will operate to meet dietary specifications in accordance with the Healthy Hunger-Free Kids Act of 2010 and applicable state laws and regulations.~~

~~The district shall work with community partners in an attempt to alleviate "food gaps" during school breaks, such as April recess or the winter holiday recess.~~

This service shall be under the supervision of the Food Service Director who shall be responsible to the ~~Business Manager Chief Operating Officer~~. The Food Service Director shall be hired under specific job specifications and approved by the Board of Education.

Aims

Policies governing the operation of the school lunch program shall be:

1. To provide cafeteria facilities in all new schools and in other schools wherever practicable.
2. To provide wherever cafeteria facilities exist nutritionally balanced and attractive lunches available to all students with sufficient time allowed for eating. Varied and nutritious food choices shall be ~~sold or~~ served consistent with applicable federal government Dietary Guidelines for Americans.
3. To provide lunches free or at reduced rates to children whose economic or health needs require such action, with the approval of the Superintendent of Schools on recommendation of the Principal and school nurse.

Facilities

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Cafeteria facilities, wherever possible, shall include the following:

1. Attractive, well-ventilated dining rooms.

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P3542(b)

Business/Non-Instructional Operations

Food Service

Facilities (continued)

2. A carefully planned, well-equipped kitchen adjacent to each dining area.
3. Adequate storage space so that food and supplies may be purchased in sufficient quantity to take advantage of favorable market conditions.
4. Maintenance, inspection and repair of equipment so that maximum use is obtained and danger of accidents to personnel is minimized.

Maintenance of Sanitary Conditions

Sanitary conditions in all phases of the preparation and serving of food shall be rigidly maintained at all times. The District shall maintain proper sanitation and health standards in food storage, preparation and service, in accordance with all applicable state and federal laws, regulations and requirements.

The Food Service Director shall be responsible for the education of all food handlers as to personal hygiene and techniques of sanitation.

~~All cafeteria workers shall be required to have a physical examination at the time of employment and periodically as requested by the School Medical Advisor.~~

Financing

The school lunch program shall be financed as follows:

1. ~~If meal prices are needed,~~ prices of school lunches shall be determined by the Superintendent in accordance with all prevailing costs of food, supplies, supervision costs, and wages of hourly workers.
2. Costs of food, supplies, salaries and wages of all employees, and other expenses directly incurred in the school lunch program shall be paid out of a separate fund, which shall be maintained under the control of the Business Manager or his/her designee and into which all receipts from sales and federal cash grants shall be paid. This fund shall be subject to annual audit by the District auditor. In compliance with federal law, the District's NSLP (and SBP) shall be non-profit.
3. Office facilities, equipment, heat, light and power shall be paid out of funds appropriated by the Board of Education.
4. Although the Board believes that the District's nutrition and food services operation should be financially self-supporting, it recognizes, however, that the nutrition program is an essential educational and support activity. Therefore, budget neutrality or profit generation must not take precedence over the nutrition needs of its students.

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P3542(c)

Business/Non-Instructional Operations

Food Service (continued)

School Food Safety Inspections/School Food Safety Program

The District shall comply with state and federal requirements for conducting cafeteria health and safety inspections and ensuring employee participation in appropriate inspection services and training programs.

The District shall obtain two (2) safety inspections per year in accordance with all local, state and federal laws and regulations. The District shall post the most recent inspection report and release a copy of the report to members of the public upon request.

The District shall comply with federal regulations in developing a food safety program that enables District schools to take systematic action to prevent or minimize the risk of food borne illness among students, **as well as to prevent or minimize the risk for students with life-threatening allergies.**

Farm to School Program *(optional revision/addition to policy)*

Any bid submitted by a service management company in response to a request for proposal (RFP) or bid solicitation by the Board that is posted to the State Portal and that relates to the Board's school nutrition program shall include information detailing the consistency of such bid with the State's Farm to School Program and the ways in which such bid facilitates the purchase of products from local farmers by the Board. All other factors being equal, the Board shall give preference to the RFP or bid that promotes the purchase of local farm products.

Any person who sells any farm product as Connecticut-grown to the District is required to offer proof to the District that such farm product was produced in Connecticut, including, but not limited to, the name of the person or business that produced the farm product and the name and address of the farm where such product was produced.

- (cf. 3542.31 – Participation in the Nutritional School Lunch Program)
- (cf. 3542.33 – Food Sales Other Than National School Lunch Program)
- (cf. 3542.34 – Nutrition Program)
- (cf. 3542.43 – Charging Policy)
- (cf. 6142.101 – Student Nutrition and Physical Wellness (School Wellness))

- Legal Reference:
- Connecticut General Statutes
 - 10-215 Lunches, breakfasts and other feeding programs for public school children and employees. (as amended by PA 21-46)
 - 10-215a Nonpublic school and nonprofit agency participation in feeding programs.
 - 10-215b Duties of State Board of Education re feeding programs.

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P3542(d)

Business/Non-Instructional Operations

Food Service

Legal Reference: Connecticut General Statutes (continued)

- 10-216 Payment of expenses.
- State Board of Education Regulations
- 10-215b-1 School lunch and nutrition programs.
- 10-215b-11 Requirement for meals.
- 10-215b-12 Reimbursement payments. (including free and reduced price meals)
- 10-215d Regulations re nutrition standards for school breakfasts and lunches. (as amended by PA 16-37)
- 10-221o Lunch periods. Recess. Board to adopt policies addressing limitation of physical exercise.
- 22-38d Farm to school program. (as amended by PA 16-37 and PA 18-73)
- Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. Section 1751.
- School Lunch and Breakfast Programs 42 U.S.C. Section 1751 et seq.
- National Food Service Programs, Title 7 Code of Federal Regulations, 7 CFR Part 210, Part 220, Part 215, Part 245.
- 42 U.S.C. Sec. 1758(h)/7 CFR Sect 210.13, 220.7 (School Food Safety Inspections).
- Federal Register (74 Fed. Reg. 66213) amending federal regulations (7CFR Part 210 and 220).
- P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751
- 7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.
- Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)

Policy adopted:

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Business and Non-Instructional Operations

Food Service – Purposes and Facilities

The school lunch program shall be an integral part of the district's total educational program. Administration of the food services program will be coordinated by the Food Services Director under the direction of the Superintendent of Schools or his/her designee. Business functions to be centralized will include central purchasing of food and supplies, planned nutritionally balanced menus, and regular audit of all accounts.

The educational aspects of the school lunch program will be the responsibility of each building Principal, subject to advice, counsel and direction from the Superintendent of Schools and Food Services Director.

Legal Reference: Connecticut General Statutes

10-215 Lunches, breakfasts and other feeding programs for public school children and employees.

10-215a Nonpublic school and nonprofit agency participation in feeding programs.

10-215b Duties of state board of education re feeding programs.

10-215d Regulations re nutrition standards for school breakfasts and lunches.

10-216 Payment of expenses.

10-217 Penalty.

State Board of Education Regulations

Federal Statutes and Regulations

Policy adopted:

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.22(a)

Business and Non-Instructional Operations

Food Services

Food Service Personnel – Code of Conduct

The following conduct is expected of all persons who are engaged in the award and administration of contracts supported by the Child Nutrition Program (CNP) funds. These programs include the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program.

No employee, officer or agent of the **New Haven Public** School District shall participate in selection or in the award or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved.

To ensure objective contractor performance and eliminate unfair competitive advantage, a person that develops or drafts specifications, requirements, statements of work, invitations, for bids, requests for proposals, contract terms and conditions of other documents for use by the child nutrition program in conducting procurement shall be excluded from competing for such procurements. Such persons are ineligible for such procurements regardless of the procurement method used.

Conflicts of interest arise when a school district employee:

1. Has a financial or other interest in the firm selected for the award;
2. Is an employee, officer, or agent of the firm selected for the award;
3. Has a member of the immediate family who is an employee, officer or agent of the firm selected for the award;
4. Is about to be employed by the firm selected for the award; or
5. Has a member of the immediate family who is about to be employed by the firm selected for the award.

The **New Haven Public** School District employees, officers or agents shall neither solicit nor accept gratuities, favors, or anything of material monetary value from contractors, potential contractors or parties to sub-agreements.

The purchase during the school day of any food or service from a contractor for individual use is prohibited.

New Haven Public Schools Board of Education employees, officers and agents shall be governed by the following rules:

1. The purchase during the school day of any food or service from a contractor for individual use is prohibited.

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3542.22(b)

Business and Non-Instructional Operations

Food Services

Food Service Personnel – Code of Conduct (continued)

2. The removal of any food, supplies, equipment or school property, such as official records, recipe books, and the like is prohibited unless express permission of the Food Service Coordinator/Business Manager/Cafeteria Supervisor has been granted.
3. The outside sale of such items as used oil, empty cans and the like will be sold by contract between the **New Haven Public** School District and the outside agency.
4. Individual sales by any school person to an outside agency or other school person are prohibited.

Failure of any employee to abide by this Code of Conduct could result in a fine, suspension or dismissal.

Resolution of Controversies

Any actual or proposed supplier who is aggrieved in connection with a proposed purchase may protest to the Superintendent or his/her designee.

1. The protest shall be in writing.
2. The protest shall be delivered within 10 days of the action which is being aggrieved.
3. A hearing will be scheduled within 15 days of receipt of protest.
4. The proposed purchase will be delayed until the protest is resolved unless the delay will result in disruption of meal service to children. In the event it is determined that the purchase is necessary, an emergency shall be declared by the Superintendent/Assistant Superintendent for Business/purchasing agent and emergency purchase procedures will be followed until protest resolution.
5. The decision of the hearing officer shall be in writing and shall be delivered to the aggrieved supplier with proof of delivery required.
6. The aggrieved supplier shall be notified that an appeal of the hearing officer's decision is possible. The appeal request should be written and addressed to the Board of Education.

Public Access to Procurement Information

1. Procurement information shall be a public record to the extent provided in Connecticut's Freedom of Information law.
2. All bid/offers shall be taken under advisement. Between the time an IFB/RFP is opened and awarded it may be viewed by any company or individual who entered a response, to the proposed intent to purchase.
 - a. Any supplier providing information, as a part of a proposal or offer shall stamp each page or sealed envelope, which they consider proprietary information, "not for public release."

Sample policies are distributed for demonstration purposes only. Unless so noted, contents do not necessarily reflect official policies of the Connecticut Association of Boards of Education, Inc.

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.22(c)

Business and Non-Instructional Operations

Food Services

Food Service Personnel – Code of Conduct

Public Access to Procurement Information (continued)

- b. Should the school district receive a request to release this marked information the supplier shall be notified within 24 hours and given 10 working days to obtain a court order to stop release.
 - c. In 10 working days the party requesting the information shall be provided a copy of the court order or instructions on when the information may be reviewed.
3. After acceptance, procurement information is available to the general public except as noted above.

(cf. 3320 – Purchasing Procedures)

(cf. 3323 – Soliciting Prices, Bids)

(cf. 3326 – Ordering Goods and Services, Paying for Goods and Services)

(cf. 3542 – School Lunch Service)

(cf. 3542.31 – Participation in the Nutritional School Lunch Program)

(cf. 3542.33 – Food Sales Other Than National School Lunch Program)

(cf. 3542.34 – Nutrition Program)

(cf. 4118.13/4218.13 – Conflict of Interest)

(cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

Legal Reference: Connecticut General Statutes

10-215 Lunches, breakfasts and other feeding programs for public school children and employees.

10-215a Nonpublic school and nonprofit agency participation in feeding programs.

10-215b Duties of State Board of Education re feeding programs.

10-216 Payment of expenses.

State Board of Education Regulations

10-215b-1 School lunch and nutrition programs.

10-215b-11 Requirement for meals.

10-215b-12 Reimbursement payments. (including free and reduced price meals)

Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. Section 1751.

School Lunch and Breakfast Programs 42 U.S.C. Section 1751 et seq.

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.22(d)

Business and Non-Instructional Operations

Food Services

Food Service Personnel – Code of Conduct

Legal Reference: (continued)

National Food Service Programs, Title 7 Code of Federal Regulations, 7 CFR Part 210, Part 220, Part 215, Part 245.

42 U.S.C. Sec. 1758(h)/7 CFR Sect 210.13, 220.7 (School Food Safety Inspections).

Federal Register (74 Fed. Reg. 66213) amending federal regulations (7 CFR Part 210 and 220).

P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751 7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.

Nondiscrimination on the Basis of Handicap in Programs or Activities

Title 7 Chapter 11 of the Code of Federal Regulation Federal Management Circular A- 102, Attachment 0 FNS Instruction 796-1 Revision 2.

2 CFR 200.318 General Procurement Standards

Policy adopted:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3542.31(a)

Business and Non-Instructional Operations

Free or Reduced Price Lunches (National School Lunch Program)

Participation in the National School Lunch Program (NSLP) (and School Breakfast Programs) (SBP) is/are herewith authorized, **including the Community Eligibility Provision**. Authorization is granted to the Superintendent to act on behalf of the Board for purposes of participating in the National School Lunch Program (and School Breakfast Program).

Free nutritious meals will be served to children from families whose income falls within the current criteria established by the Secretary of Agriculture under the Federal Lunch Program for free lunches.

The District shall establish an appeals process under which a parent/guardian may appeal a decision regarding his/her initial application for benefits, or any subsequent reduction or termination of benefits.

The schools shall not physically segregate or discriminate against any child because of his or her inability to pay for a meal. The names of children eligible to receive free meals shall not be published, posted, or announced in any manner; and there shall be no overt identification of any such children by use of special tokens or tickets, or by any other means.

The District shall ensure that, in the operation of the free and reduced-price meals and/or free milk programs, no student shall be discriminated against because of race, color, age, creed, religion, sex, sexual orientation, ancestry, gender identity or expression, national origin, marital status, pregnancy or disability, or any other basis prohibited by law, in its implementation of such a program.

The District's NSLP and SBP shall operate to meet dietary specifications in accordance with the Healthy, Hunger-Free Kids Act of 2010 and applicable state laws and regulations.

***Note:** An optional approach, the Community Eligibility Provision (CEP) allows eligible schools to provide free meals to all students at no charge, regardless of family income. To qualify, at least 40 percent of a school's population must be identified as low income children who meet criteria for free school meals. Instead of collecting individual applications for free and reduced price meals, CEP uses information from other programs, including the Supplemental Nutrition Assistance Program and the Temporary Assistance Program for Needy Families.*

(cf. 3542 – School Lunch Program)

(cf. 3542.33 – Food Sales Other Than National School Lunch Program)

(cf. 3542.34 – Nutrition Program)

(cf. 3542.43 – Charging Policy)

(cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

Legal Reference: Connecticut General Statutes

10-215 Lunches, breakfasts and other feeding programs for public school children and employees. (as amended by PA 21-46)

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3542.31(b)

Business/Non-Instructional Operations

Free or Reduced Price Lunches (National School Lunch Program)

Legal Reference: (continued)

- 10-216 Payment of expenses.
- 10-221o Lunch periods. Recess. Boards to adopt policies addressing limitations of physical exercise.
- Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq. as amended by Title IX, Equal Employment Opportunity Act.
- United States Department of Agriculture 7 C.F.R. 15, re nondiscrimination.
- 42 U.S.C. Sec. 1758, 7 CFR Part 145, Sec. 245.5, 245.6, 245.7, 210.9, 210.20
- U.S.D.A., Eligibility Guidance for School Meals Manual
- U.S.D.A., FNS Instruction 765-7 Rev. 2: Handling Lost, Stolen and Misused Meal Tickets
- Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. 1751 §§203, 205
- Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)

Policy adopted:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

R3542.31(a)

Business/Non-Instructional Operations

Free or Reduced Price Lunches (National School Lunch Program)

National School Lunch Program (NSLP) regulations require that lunches be provided for needy students when the family income is insufficient to provide the basic necessities, including food of the proper quality and amount for good nutrition.

Parents shall be informed of the District policy concerning "Meals for Needy Children." A letter and application form will be distributed to all parents during the first few weeks of school. The letter will contain information on the eligibility standards, procedures for applying for free "Meals for Needy Children," and how an appeal may be filed for an adjustment in the decision with respect to the application. This information and an application form will also be provided whenever a new student is enrolled. (cf. 3542.42 - Finance: Food Service)

A public news release containing this same information will be made available to local news representatives early in the school year. Copies of this public release will be made available upon request to any interested party. Subsequent changes in the district eligibility standards during the school year, which are approved by the state agency, will also be publicly announced.

1. Free or reduced price lunches and/or supplementary milk will be provided for all students who qualify on the basis of financial need. Breakfast snacks may be provided in cases of extreme nutritional deficiency.
2. There shall be no discrimination in the furnishings of meals or supplementary milk because of race, religion, source of income, etc.
3. The anonymity of students receiving assistance under this regulation shall be protected. The names of these students will be treated in a confidential manner. They will use the same tickets for milk and lunch and will obtain these items in the same manner and place as do all other children.
4. Requests for free lunches, reduced price lunches, and/or supplementary milk which have been denied may be appealed to the Superintendent.
5. Records of students receiving assistance will be kept in each school. A monthly report will be submitted to the district office where records for audit purposes will be maintained.
6. Annually the District will establish process for reimbursable student meals. The price charged to students who do not qualify for free or reduced price meals will be established annually by the District in compliance with state and federal laws. ~~(Note: The new requirement under Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. 1751 §§205 established new criteria for equity in school lunch pricing.)~~

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The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.31(b)

Business/Non-Instructional Operations

Free or Reduced Price Lunches (National School Lunch Program) (continued)

7. The price charged to students who qualify for reduced price meals will be established annually by the District in compliance with state and federal laws. (According to Direct Certification and Certification of Homeless, Migrant and Runaway Children for Free School Meals, 7 C.F.R. Part 245, 2011)
8. Eligibility for the "Meals for Needy Children" program will be based on the following:
 - A. **Emergency Situations**

A child's statement of need is sufficient for providing assistance on a temporary basis. A family contact should be made immediately to determine extent and probable duration of need. In cases of family emergency such as sudden unemployment, illness, death, desertion, etc., assistance will be provided as needed.
 - B. **Objective Standards of Need**

Eligibility for assistance, other than for emergency situations, will be determined on the basis of income and family size as indicated on the scale provided by the district.
9. If school authorities feel that a family's financial situation has changed, and the students are no longer eligible for free meals, a hearing procedure will be used by the Superintendent to challenge the continued eligibility. In the event of such a challenge, the family will be given a reasonable period of time in advance of the hearing to review the information on which the challenge is based. Children will continue to receive free meals until the conclusion of the hearing.
10. On a case-by-case basis, when a student is known to be eligible for free or reduced price meal (or free milk) benefits and the household fails to submit a confidential application, the Superintendent or designee may complete an application for the student documenting how he/she knows the household income qualifies the student for free or reduced price meal benefits. Parents of a student approved for free or reduced price benefits, when application is made for the student by a school official, will be notified of the decision and given the opportunity to decline benefits.
11. Students who do not qualify for free or reduced price meals (or free milk) are eligible to participate in the (SMP) National School Lunch Program (NSLP) (and School Breakfast Program (SBP)) and will be charged "paid" meal (,) (and) (snack) (milk) prices set by the District. "Paid" category students will be treated equally to students receiving free or reduced price benefits in every aspect of the District's NSLP (,) (and) (SMP) (SBP).

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.31(c)

Business/Non-Instructional Operations

Free or Reduced Price Lunches (National School Lunch Program) (continued)

12. The District has established a fair hearing process under which a household can appeal a decision with respect to the household's application for benefits or any subsequent reduction or termination of benefits.
13. In the event of major employers contemplating large layoffs in the attendance area of the district, the district will provide confidential applications and eligibility criteria for free and reduced price meals (or free milk) to the employer for distribution to affected employees.

Financial Management of the Nonprofit School Food Service

1. The District will maintain a nonprofit school nutrition and food service operation.
2. Revenues earned by the school nutrition and food services will be used only for the operation or improvement of NSLP (,) (and) (SBP) (SMP).
3. Lunch and breakfast meals served to teachers, administrators, custodians and other adults not directly involved with the operation of the District's nutrition and food services will be priced to cover all direct and indirect cost of preparing and serving the meal.

(Note: For meals with portion sizes equivalent to student meals, the adult meal price will be not less than the amount of reimbursement for a free-eligible meal, plus the value of commodity foods used in the meal preparation.)

4. The District will maintain effective control and accountability for, and adequately safeguard, all nutrition and food services' cash, real and personal property, equipment and other assets, and ensure they are used solely for nutrition and food services purposes.
5. The District will meet the requirements for allowable NSLP (,) (and) (SBP) (SMP) costs as described in Office of Management and Budget (OMB) circular A-87, as may be amended.
6. All procurement transactions for nutrition and food services goods and services will be conducted according to state, federal and district procurement standards using the applicable cost thresholds.
7. In the operation of its nutrition and food services program, the District will purchase food products that are produced in the United States, whenever possible.

Nutrition and Menu Planning

1. Meals and snacks served for reimbursement will meet the recommendations of the most current Dietary Guidelines for Americans.

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.31(d)

Business/Non-Instructional Operations

Free or Reduced Price Lunches (National School Lunch Program)

Nutrition and Menu Planning (continued)

2. Meals served for reimbursement will meet at least the minimum NSLP (and SBP) requirements for food item and quantities.
3. Meals served for reimbursement will meet required caloric requirement standards set for saturated fat, sodium and trans fats.
4. The District will use the “offer” versus “serve” option when serving NSLP lunches to senior high school students. High school students must take at least three of five food items including one-half cup of fruit or vegetable offered in program lunches. Students must select the other food component in the quantities planned.
5. The District will use the “offer” versus “serve” option when serving program breakfasts to senior high school students. High school students must take at least three of four food items including one-half cup of fruit or vegetable offered in program breakfasts. Students must select the other food component in the quantities planned.

Note: Offer versus serve (OVS) option is a requirement in the NSLP for senior high schools. It is an option for the SBP. OVS is an option for schools below the high school levels.

6. ***OPTIONAL:*** The District will use the “offer” versus “serve” option when serving program lunches to students below senior high school grades. Students below high school grades will be required to take (three of the five food items) (four of the five food items) including one-half cup of fruit or vegetable offered in program lunches.
7. ***OPTIONAL:*** The District will use the “offer” versus “serve” option when serving program breakfasts to students below senior high school grades. Students below high school grades will be required to take three of the four food items including one-half cup of fruit offered in program breakfasts.
8. A copy of the Board Minutes adopting the “offer” versus “serve” policy for students below high school grades for program lunches and/or for all students in the District for program breakfasts, as applicable, will be made available upon request.

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.31(e)

Business/Non-Instructional Operations

Free or Reduced Price Lunches (National School Lunch Program) (continued)

Use and Control of Commodity Foods

1. The District will accept and use commodity foods in as large a quantity as may be efficiently utilized in the reimbursable lunch (and breakfast) program
2. The District will maintain necessary safeguards to prevent theft or spoilage of commodity foods.
3. The value of commodity foods used for any food production other than NSLP, SBP or snacks shall be replaced in the food service inventory.

General USDA NSLP/SBP/SMP Requirements

1. The District will ensure that no student is denied a meal as a disciplinary action.
2. Breakfast will be served in the morning hours, at or near the beginning of the student's school day.
3. Lunch will be served between the hours of 10 a.m. and 2 p.m.
4. The District will provide substitute foods for students who are determined by a licensed physician to be legally disabled and whose disability restricts their diet. Substitutions will be provided only when a medical statement from the licensed physician is on file at the school. The medical statement must state the nature of the child's disability and how the disability affects the child's nutrition needs, and it must provide a medical prescription for substitute foods or texture modification. The District will not charge more than the price of the school meal, as determined by the child's eligibility status, for substitute meals or foods.
5. The District will control the sale of the following foods of minimal nutritional value (FMNV): in the food service areas during the meal periods in compliance with the timeframes and criteria meeting federal and state regulations; carbonated beverages, water ices, chewing gum, hard candy, jelly and gum candies, marshmallow candy, fondant (candy corn-type), licorice, cotton candy and candy-coated popcorn. (*Alternate: The sale of minimally nutritious foods is prohibited or the sale of minimally nutritious foods is permitted in restricted areas.*)
6. The District will ensure that potable (drinking) water will be available to students, free of charge for consumption in the place where meals are served during meal service. (New requirement under Healthy, Hunger-Free Kids Act of 2010, U.S.C. 1751 §§203)
7. The District will notify all households of its meal charge requirements early in the school year.
8. ~~The sale of foods (other than FMNV) in competition with the District's lunch (NSLP) or breakfast (SBP) programs will be allowed in dining sites during lunch and breakfast periods with Board approval only when all income from the food sales accrues to the benefit of the District's nutrition and food services or accrues to a school or student organization approved by the Board.~~

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The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.31(f)

Business/Non-Instructional Operations

Free or Reduced Price Lunches (National School Lunch Program)

General USDA NSLP/SBP/SMP Requirements (continued)

- ~~The District will not use nutrition and food services funds to purchase FMNV for sale unless the proceeds from the sale of those foods is deposited into the Nutrition and Food Services account in an amount sufficient to cover all direct and indirect costs relating to the purchase and service of the foods.~~

Record Keeping

- All currently approved and denied confidential applications for free and reduced price meals and free milk and all current direct certification documents will be maintained for three years after the current school year. Records will be maintained longer in the event of unresolved audit(s) until the audit(s) have been completed.
- All currently approved or denied confidential applications for free and reduce price meals and free milk and all current direct certification documents will be readily retrievable by school or site and made available to state or federal reviewers upon request.
- The District will maintain financial records that account for all revenues and expenditures of the nonprofit school nutrition and food services for a period of three years after the school year to which they pertain.

(cf. 3542 – School Lunch Program)

(cf. 3542.33 – Food Sales Other Than National School Lunch Program)

(cf. 3542.43 – Charging Policy)

(cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

Legal Reference:

Connecticut General Statutes

10-215 Lunches, breakfasts and the feeding programs for public school children and employees.

10-215a Non-public school participation in feeding program.

10-15b Duties of state board of education re feeding programs.

10-216 Payment of expenses.

State board of education Regulation

10-215b-1 School lunch and nutrition programs

P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751
7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.

Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)

Regulation approved:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.33(a)

Business and Non-Instructional Operations

Food Sales Other than National School Lunch Program

Good nutrition is essential to peak academic performance for students and to long-term health. The Board supports nutrition programs and nutrition education as an integral part of a high-quality education. The District's lunch (and breakfast) program will operate to meet dietary specifications in accordance with the Healthy, Hunger-Free Kids Act of 2010 and applicable state laws and regulations.

To ensure that foods served at schools address modern nutritional needs and to protect the health of students, the ~~(Principal/Cafeteria Food Supervisor/Director of Food Services)~~ will address control over the sale of non-cafeteria/competitive food, **in accordance with any applicable district policy**. For purposes of this policy, "competitive food" refers to any foods sold or dispensed to children at school other than meals served through the U.S. Department of Agriculture's (USDA) school meal programs.

The District ~~(will/will not)~~ permit vending machines and the sale of competitive foods in the middle school and high school in accordance with this policy, **state regulations and policies, and any other applicable healthy food certification requirements.***

~~Schools (will/will not) operate any vending machines that are accessible to students on any campus from _____ to _____. (Board needs to determine the time frame.)~~

~~Schools (will/will not) offer or sell other non-cafeteria/competitive foods to students on campus from _____ to _____. (Board needs to determine the time frame; for example, one hour prior to the first lunch period to one half hour after the last lunch period.)*~~

The Board **shall may** make available in District schools for purchase by students nutritious and low-fat foods which shall include, but shall not be limited to, low-fat dairy products and fresh or dried fruit at all times when food is available for purchase during the regular school day in schools.

The sale of beverages to students from any source, including, but not limited to, school stores, vending machines, school cafeterias and any fund-raising activities on school grounds, whether or not school-sponsored, shall be restricted to milk, non-dairy drinks such as soy or rice milk, 100% fruit juices, vegetable juices or combination of such juices, beverages that contain only water or vegetable juice and water. All allowed beverages must fulfill the requirements specified in Connecticut statute and federal regulations regarding artificial sweeteners, flavoring, caffeine and portion size.

The ~~(Principal/School Cafeteria Supervisor/Director of Food Services)~~ is responsible for ensuring that foods from vending machines and other non-cafeteria/competitive foods are sold in compliance with federal and state guidelines and district policy.

The Superintendent of Schools is authorized to close a cafeteria or discontinue the sale of competitive foods if not properly operated.

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.33(b)

Business/Non-Instructional Operations

Food Sales Other than National School Lunch Program (continued)

***Note:** Connecticut regulations prohibit schools from selling or dispensing tea, coffee, soft drinks and candy to students anywhere on school premises from 30 minutes prior to the start of any state or federally subsidized milk or meal program (National School Lunch Program, School Breakfast Program, After-School Snack Program and Special Milk Program) until 30 minutes after the end of the program. The income from the sale of any foods, including vending machines, school stores, student fund-raisers, P.T.A., clubs etc., sold or distributed anywhere on the school premises during the same timeframe must accrue to the food service account. Federal regulations prohibit the sale of foods of minimal nutritional value during meal periods. **The sale of soda is banned by Connecticut statute.**

(cf. 3542 – School Lunch Program)

(cf. 3542.31 – Participation in the Nutritional School Lunch Program)

(cf. 3542.34 – Nutrition Program)

(cf. 3542.43 – Charging Policy)

(cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

Legal Reference: National School Lunch Program and School Breakfast Program; Competitive Foods. (7 CFR Parts 210 and 220, Federal Register, Vol.45, No. 20, Tuesday, January 29, 1980, pp. 6758-6772)
P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751
7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.
Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)
Connecticut General Statutes
10-215e Nutrition standards for food that is not part of lunch and breakfast program
10-215f Certification that food meets nutrition standards
10-221p Boards to make available for purchase nutritious low-fat foods and drinks
10-221q Sale of beverages
PA 06-63 An Act Concerning Healthy Food and Beverages in Schools
Regulation of Connecticut State Agencies – 10-215b-1 Competitive foods
Regulation of Connecticut State Agencies – 10-215b-23 Income from the sale of food items

Policy adopted:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.33(a)

Business/Non-Instructional Operations

Food Sales Other than National School Lunch Program

Only food or drinks which do meet the minimal nutritional values and requirements for a la carte foods set by the Food and Nutrition Service of the United States Department of Agriculture (Section 17 of Public Law 95-166 amending Section 10 of the Child Nutrition Act of 1966) and Connecticut statutes and regulations may be sold or made available for sale in any school of the district between the beginning of the school day, but is prohibited from 30 minutes before and 30 minutes after the close of the last lunch period at that school. No food or drink distributing machine shall be accessible to students during those hours unless the food or drink being sold meets the minimal nutritional values specified and fulfills the requirement of Connecticut statute and USDA requirements. When any food is available for purchase during the day, nutritious low fat foods and drinks, as defined by state law, must also be available for purchase by students during the regular school day.

Promotional candy sales shall be limited to the period before the beginning of the school day and after the close of the school day. Such sales require approval of the school Principal. (The CSDE strongly encourages districts to promote consistent health messages to students by prohibiting the sale and serving of candy on school premises at all times, or at least during the entire school day.)

Sale of food or drinks anywhere on campus from ½ hour before and after the end of the last lunch period is regarded as being competitive with the National School Lunch Program or the School Breakfast Program. Food or drinks which do meet or exceed the minimal nutritional values of the USDA and which are sold during the period above are, however, not considered as being competitive with those programs. These may be sold during the times cited above, but all profits from such sales must accrue to the food service account.

The Secretary of the United States Department of Agriculture has approved a list of competitive foods which may be sold, and the State of Connecticut has extended that list, but only foods approved by the State of Connecticut and/or the Secretary may be sold in the schools of the District during the hours cited.

The listing of categories of foods of less than minimal nutritional value shall be used as a guide to sales of competitive foods and drinks in the schools, with the understanding that the listing may be modified by the USDA and/or the State of Connecticut. The list follows:

Categories of Foods of Minimal Nutritional Value (FMNV)

Federal regulations define four categories of FMNV, listed below, that cannot be sold during the USDA meal periods. However, Connecticut's healthy food certification statute and sections 10-215b-1 and 10-215-23 of the Regulations of State Agencies superseded the federal requirements by mandating additional requirements for those foods.

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The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.33(b)

Business/Non-Instructional Operations

Food Sales Other than National School Lunch Program

Categories of Foods of Minimal Nutritional Value (continued)

1. **Soda Water** - (not permitted by Connecticut Law)
2. **Water Ices** -- As defined by 21 CFR 135.160 FDA regulations except that water ices which contain fruit or fruit juices are not included in this definition.
3. **Chewing Gum** -- Flavored products, regular and sugarless, from natural or synthetic gums and other ingredients which form an insoluble mass for chewing.
4. **Certain Candies** -- Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
 - A. Hard candy, such as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers and cough drops.
 - B. Jellies and gums, such as gum drops, jelly beans, jellied and fruit-flavored slices, and "Gummi-Bear" type products.
 - C. Marshmallow candies.
 - D. Fondant, such as candy corn, soft mints.
 - E. Licorice -- a product made mostly from sugar and corn syrup which is flavored with an extract made from the licorice root.
 - F. Spun candy.
 - G. Candy coated popcorn, a product made by coating popcorn with a mixture made predominantly from sugar and corn syrup.

The federal definition of FMNV does not include any other competitive foods or beverages of low nutrient density (e.g., cake, cookies, chips, chocolate and sweetened beverages) except for the categories listed above.

Candy, water ices and gum do NOT meet the Connecticut Nutrition Standards. They cannot be sold to students in schools implementing the healthy food certification unless the Board of Education votes to allow food exemptions and they are sold at the location of events that occur after the school day or on the weekend provided they are not sold from a vending machine or school store.

State statute prohibits the sale of soda (regular and diet), coffee, tea, (regular, herbal, iced), hot chocolate and cocoa, sports drinks, energy drinks, juice drinks or beverages that are not 100% juice, (e.g., lemonade, punch drinks, cranberry cocktail), waters (with added sugars, artificial sweeteners or non-nutritive sweeteners), beverages containing only water and juice with added sugars, artificial sweeteners or non-nutritive sweeteners. These prohibited beverages can be sold to students only if the Board of Education votes to allow exemptions and the beverages are sold at the location of the events that occur after the school day or on the weekend, provided they are not sold from a vending machine or school store.

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.33(c)

Business/Non-Instructional Operations

Food Sales Other than National School Lunch Program

Categories of Foods of Minimal Nutritional Value (continued)

- (cf. 3542 – School Lunch Program)
- (cf. 3542.31 – Participation in the Nutritional School Lunch Program)
- (cf. 3542.34 – Nutrition Program)
- (cf. 3542.43 – Charging Policy)
- (cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

Legal Reference: National School Lunch Program and School Breakfast Program; Competitive Foods. (7 CFR Parts 210 and 220, Federal Register, Vol.45, No. 20, Tuesday, January 29, 1980, pp. 6758-6772)

P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751

7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.

Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)

Connecticut General Statutes

- 10-215e Nutrition standards for food that is not part of lunch and breakfast program
- 10-215f Certification that food meets nutrition standards
- 10-221p Boards to make available for purchase nutritious low-fat foods and drinks
- 10-221q Sale of beverages

PA 06-63 An Act Concerning Healthy Food and Beverages in Schools

P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 42 U.S.C. 1751

7 CFR Parts 210 & 220 – Nutrition Standards for all Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010 Federal Register Vol. 78, No. 125, June 28, 2013

Regulation approved:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3542.34(a)

Business and Non-Instructional Operations

Nutrition Program

The Board recognizes that healthy eating patterns are essential for students to achieve their academic potential, full physical and mental growth and lifelong health and well-being. The Board's goal is to enhance the diet and health of school children and to help mitigate the childhood obesity trend. To help ensure students possess the knowledge and skills necessary to make nutritious food choices for a lifetime, the Superintendent shall prepare and implement a comprehensive District nutrition program consistent with state and federal requirements as detailed in the "Nutritional Standards in National School Lunch and School Breakfast Programs", for districts sponsoring the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP). The input of staff, students, parents and public health professionals will be encouraged.

The program shall reflect the Board's commitment to providing adequate time for instruction to promote healthy eating through nutrition education, serving healthy, nutritious and appealing foods at District schools, developing food-use guidelines for staff and establishing liaisons with nutrition service providers, as appropriate. Nutrition education topics shall be integrated within the sequential, comprehensive health education program taught at every grade level, pre-kindergarten through grade 12, and coordinated with the District's nutrition and food services operation.

It is the intent of the Board that District schools take a proactive effort to encourage students to make nutritious food choices. Food and beverages sold or served on District grounds or at District-sponsored events shall meet federal and state statutes and regulations as well as administrative regulation requirements for nutritional standards and/or other guidelines as may be recommended by District and school health and nutrition committees, in fulfillment of state and federal standards. "The Connecticut Nutrition Standards for Foods in Schools", which is consistent with current science-based national nutrition recommendations and the USDA's nutrition standards for competitive foods shall be consulted in addition to Connecticut's "List of Acceptable Foods and Beverages."

Food and beverages sold or served in District schools shall include nutritious, low-fat foods and drinks, which may include, but shall not be limited to, low-fat dairy products, and fresh or dried fruit at all times when food or drink is available for purchase by students during the school day. All milk offered shall be low-fat (1%) or fat-free.

The sale of beverages to students from any source, including, but not limited to, school stores, vending machines, school cafeterias and any fund-raising activities on school grounds, whether or not school-sponsored, shall be restricted to milk, non-dairy drinks such as soy or rice milk, 100% fruit juices, vegetable juices or combination of such juices, beverages that contain only water or vegetable juice and water. All allowed beverages must fulfill the requirements specified in Connecticut statute regarding artificial sweeteners, flavoring, caffeine and portion size.

The Superintendent shall ensure that nutritious foods are available as an affordable option whenever food is sold or served on District property or at district-sponsored events; that schools [prohibit] [limit] the sale or serving of foods or snacks high in fat, sodium or added sugars; and competition with nutritious meals served by the school nutrition and food services operation is minimized.

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3542.34(b)

Business/Non-Instructional Operations

Nutrition Program (continued)

Meals served by the school nutrition and food services operations shall be consistent with the nutrition standards required to fulfill the requirements of the Healthy, Hunger-Free Kids Act of 2010 and federal and state standards and will meet the recommendations of the most current Dietary Guidelines for Americans and “My Plate” published by the U.S. Department of Agriculture.

Although the Board believes that the District's nutrition and food services operation should be financially self-supporting, it recognizes, however, that the nutrition program is an essential educational and support activity. Therefore, budget neutrality or profit generation must not take precedence over the nutrition needs of its students. In compliance with federal law, the District's NSLP [and SBP] shall be nonprofit.

The Superintendent is directed to develop administrative regulations to implement this policy, including such provisions as may be necessary to address all food and beverages sold and/or served to students at school (i.e., competitive foods, snacks and beverages sold from vending machines, school stores, and fund-raising activities and refreshments that are made available at school parties, celebrations and meetings), including provisions for staff development, family and community involvement and program evaluation.

In accordance with Federal law and U.S. Department of Agriculture policy, this District is prohibited from discriminating on the basis of race, color, religious creed, age, ancestry, marital status, genetic information, national origin, gender, sexual orientation, gender identity or expression, disability, or any other basis prohibited by Connecticut state and/or federal non-discrimination law. The USDA, Director, Office of Civil Rights, 14000 Independence Avenue, SW, Washington, D.C., 20250-9410 or (800)-795-3272 may be contacted to file a complaint of discrimination.

Farm to School Program *(optional revision/addition to policy)*

Any bid submitted by a service management company in response to a request for proposal (RFP) or bid solicitation by the Board that is posted to the State Portal and that relates to the Board's school nutrition program shall include information detailing the consistency of such bid with the State's Farm to School Program and the ways in which such bid facilitates the purchase of products from local farmers by the Board. All other factors being equal, the Board shall give preference to the RFP or bid that promotes the purchase of local farm products.

(cf. 6142.6 – Physical Education)

(cf. 3542 – Food Service)

(cf. 3542.33 – Food Sales Other Than National School Lunch Program)

(cf. 3542.34 – Nutrition Program)

(cf. 3452.45 – Vending Machines)

(cf. 6142.101 – School Wellness)

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3542.34(c)

Business/Non-Instructional Operations

Nutrition Program

Legal Reference: Connecticut General Statutes

- 10-215 Lunches, breakfasts and the feeding programs for public school children and employees.
- 10-221 Boards of education to prescribe rules, policies and procedures.
- 10-215a Non-public school participation in feeding program.
- 10-215b Duties of state board of education re feeding programs.
- 10-215e Nutrition standards for food that is not part of lunch and breakfast program
- 10-215d Regulations re nutrition standards for school breakfasts and lunches. (as amended by PA 16-37)
- 22-38d Farm to school program. (as amended by PA 16-37)
- 10-215f Certification that food meets nutrition standards
- 10-221q Sale of beverages
- 10-216 Payment of expenses.
- 10-215b-1 State board of education regulation
- 10-221o Lunch periods. Recess.
- 10-221p Boards to make available for purchase nutritious low fat foods and drinks.

PA 06-63 An Act Concerning Healthy Food and Beverages in Schools

P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751

7 CFR Parts 210 & 220 – Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010. (Federal Register, Vol. 78, No. 125, June 28, 2013)

Policy adopted:

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3542.41(a)

Business/Non-Instructional Operations

Food Service

School Lunch Service

Professional Standards for Food Service Personnel

The Board of Education (Board) recognizes that students require adequate, nourishing food and beverages in order to grow, learn and maintain good health. Therefore the Board provides a food service program for { } school breakfasts; { } school lunches that meet the dietary specifications in accordance with the Healthy Hunger-Free Kids Act of 2010, as periodically amended, and applicable state laws and regulations.

This service shall be under the supervision of the Food Services Director who shall be responsible to the ~~{ } Superintendent { } Business Manager/Director of Finance { } Assistant Superintendent~~ Chief Operating Officer. The Food Services Director shall be hired under specific job specifications and approved by the Board.

The Board shall comply with the minimum professional standards for school nutrition personnel who manage and operate the National School Lunch and School Breakfast Programs which are contained in the regulations to the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), Public Law 111-296. These regulations, effective July 1, 2015, as amended, effective April 30, 2019, establish hiring standards for the selection of State and local school nutrition program directors, and requires all personnel in the school nutrition programs to complete annual continuing education/training.

The Board believes that the fulfillment of these professional standards for food service personnel will result in consistent, national professional standards that strengthen the ability of school nutrition professionals and staff to perform their duties effectively and efficiently. Requiring proper qualifications to serve in the District's Child Nutrition Programs is expected to improve the quality of school meals, reduce errors, and enhance Program integrity.

~~Flexibility for districts with 2,499 students or less, subject to the prior approval of the Connecticut State Department of Education (CSDE), allows such districts to accept food service experience as a substitute for school nutrition experience when hiring new school nutrition program directors. This shall include volunteer or unpaid work as relevant food service experience.~~

The Superintendent is directed to develop administrative regulations which detail the required hiring standards and continuing education training for all District food service personnel.

- (cf. 3542.31 – Participation in the Nutritional School Lunch Program)
- (cf. 3542.33 – Food Sales Other Than National School Lunch Program)
- (cf. 3542.34 – Nutrition Program)
- (cf. 3542.43 – Charging Policy)
- (cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

P3542.41(b)

Business/Non-Instructional Operations

Food Service

School Lunch Service

Legal Reference: Connecticut General Statutes
10-215 Lunches, breakfasts and other feeding programs for public school children and employees.
10-215a Nonpublic school and nonprofit agency participation in feeding programs.
10-215b Duties of State Board of Education re feeding programs.
10-216 Payment of expenses.
10-217 State Board of Education Regulations.
10-215b-1 School lunch and nutrition programs.
10-215b-11 Requirement for meals.
10-215b-12 Reimbursement payments. (including free and reduced price meals)
Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. Section 1751.
School Lunch and Breakfast Programs 42 U.S.C. Section 1751 et seq.
National Food Service Programs, Title 7 Code of Federal Regulations, 7 CFR Part 210, Part 220, Part 215, Part 245.
42 U.S.C. Sec. 1758(h)/7 CFR Sect 210.13, 220.7 (School Food Safety Inspections).
Federal Register (74 Fed. Reg. 66213) amending federal regulations (7CFR Part 210 and 220).
Federal Register (80 Fed No 40) Professional Standards for State and Local Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010, as amended effective 4/30/19.
P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751.
7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.
Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001).
U.S. Department of Agriculture (USDA) Final Rule 84 FR6953

Policy adopted:

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Business and Non-Instructional Operations

Finance

According to law and the regulations of the State Board of Education, student lunch costs shall be set at levels which support the school lunch program, exclusive of the costs, if any, subsidized from the school district general fund. ~~The district shall pursue all options to continue to provide free meals to students.~~

Approval of Menu Prices. ~~Prices of all items on the menu shall be submitted to the Board annually for its approval, and otherwise as changes are needed.~~ Revenues from lunchroom sales should offset the costs which are to be borne by the food service program.

~~**Meals for Needy Students.** Meals for needy students shall be an expense charged to the Cafeteria Fund.~~

Food Storage Provisions. Storage of food and supplies shall prevent waste, spoilage, pilferage, and the issuance of food and supplies shall be restricted to the purposes of the school food service only.

Monthly Financial Report. A financial report, current and accumulative, of the operation of the food services program shall be presented monthly to the ~~Business Manager~~ Chief Operating Officer. A complete audit of the operation of the food service program shall be performed annually in accordance with legal requirements and policy 3434.

Legal Reference: Connecticut General Statutes
 10-215 Lunches, breakfasts and other feeding programs for public school children and employees.
 10-216 Payment of expenses.
 Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq. as amended by Title IX, Equal Employment Opportunity Act.
 United States Department of Agriculture 7 C.F.R. 15, re nondiscrimination.

Policy adopted:

Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.45(a)

Business and Non-Instructional Operations

Vending Machines

The Board of Education delegates to the Superintendent the authority to make decisions on the placement of food and beverage vending machines in the schools. This includes whether such machines may be installed, where they would be placed, what items would be dispensed, and during which hours they might be used ~~except as limited by board policy of applicable regulations.~~

Alternative/Additional language:

- ~~1. The Board of Education has determined that there shall be no installations of vending machines except as approved by the Superintendent of Schools. Vending machines are operated as a revenue producing endeavor and as a convenience for students, staff and patrons. All revenue produced from this source shall be deposited in the designated activity fund as approved by the Board of Education/Superintendent of Schools.~~
- ~~2. **Vending Machine Use:**
 - ~~a. **Elementary Schools:** Vending machines shall not be operated in elementary schools in locations available to students.~~
 - ~~b. **Middle Schools:** Vending machines may be operated in middle schools, but shall not offer foods of minimal nutritional value in locations available to students. All vending sales shall comply with policies regarding competitive food sales and foods of minimal value.~~
 - ~~c. **High School:** Vending machines may be operated in high schools. All vending sales shall comply with policies regarding competitive food sales and foods of nutritional value.~~~~
- ~~3. **Advertising limitations:** Advertising associated with product vending shall be limited to signage on equipment, paper cups and other serving containers and a banner at student stores and booster sale locations. Any signage, logo, container, banner or other item that the district may construe as advertising associated with vending must be approved by the Superintendent or his/her designee before distribution or placement on District property.~~
- ~~4. **Required nutritional foods:** In compliance with state law, beverages available in vending machines shall be restricted to 100% fruit juices, vegetable juices or combination of such juices, non-dairy milks such as soy or rice milk, beverages that contain only water and fruit or vegetable juice, water which may be flavored but contain no added sugars, sweeteners, artificial sweeteners or caffeine and low-fat or non-fat and milk. Statutory state and federal restrictions pertaining to added sugars, sweeteners, caffeine, and portion sizes will be followed. Further, if a vending machine offers chips, cookies and other snack foods for purchase by students during the school day, low-fat dairy products and fresh or dried fruit must also be available for purchase.~~

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Policy Service

The Connecticut Reference Manual of School Board Policies, Regulations, and Bylaws

3542.45(b)

Business and Non-Instructional Operations

Vending Machines

(cf. 3542.34 – Nutrition Program)

Legal Reference: State Board of Education Regulations

- 10-215b-1 Competitive foods.
- 10-221o Lunch periods. Recess
- 10-221p Boards to make available for purchase nutritious low fat foods and drinks.

PA 06-63 An Act Concerning Healthy Food and Beverages in Schools

Policy adopted:

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