

Dr. John Pace III, Chief Operating Officer
School Operations

SUBJECT: REQUEST APPROVAL TO ADOPT THE UNITED STATES DEPARTMENT OF AGRICULTURE'S (USDA) COMMUNITY ELIGIBILITY PROVISION (CEP) AND AMEND POLICY 8500, FOOD SERVICES, AND POLICY 8531, FREE AND REDUCED-PRICE MEALS

COMMITTEE: PERSONNEL, STUDENT, SCHOOL, AND COMMUNITY SUPPORT

LINK TO STRATEGIC PLAN: SAFE, HEALTHY AND SUPPORTIVE LEARNING ENVIRONMENTS

Pursuant to School Board Policy 8500, *Food Services*, the Board shall participate in the National School Lunch Program (NSLP) and offer free or reduced-price meals to students according to United States Department of Agriculture (USDA) guidelines. As part of the USDA's NSLP guidelines, school districts that meet defined eligibility criteria may elect to use the Community Eligibility Provision (CEP) for school meal services.

The CEP allows school districts to serve breakfast and lunch at no charge to students and receive federal meal reimbursements using a formula based on the percentage of directly-certified students. Direct certification is a process through which students are approved for free meals based on their household's participation in means-tested assistance programs. Under CEP, individual free and reduced-price meal applications no longer need to be collected. For the past several years, there has been an upward trend in the number of students receiving free or reduced-price meals through direct certification in Miami-Dade County Public Schools (M-DCPS). Further, the current percentage of directly-certified students is higher than pre-pandemic levels.

With the impact on supply chains worldwide and the increased cost of goods and services, the COVID-19 pandemic would have had a significantly negative impact on the District's Food Service Program. However, through USDA program waivers that were made available for the past two years, the District was able to serve all meals at no charge while benefiting from the highest possible reimbursement rate. This, in turn, has enabled the District to maintain a strong fund balance in its Food Service Fund at a time of great financial uncertainty.

The aforementioned USDA pandemic waivers expire at the end of the 2021-2022 school year. Through the implementation of CEP, which is valid for a four-year cycle, the District will be able to continue providing school breakfast and lunch at no charge to students through the 2025-2026 school year while leveraging the highest possible reimbursement rate. The District can elect to end participation in CEP at any time during the four-year cycle or continue participating in the program at the end of the four-year cycle and re-establish direct certification percentages.

The impact of CEP on other District programs and departments that rely on free or reduced-price meal eligibility information, including, but not limited to, Title I, E-Rate, assessment and accountability, and competitive grant applications, has been analyzed by staff in appropriate functional areas. The necessary adjustments will be made to current processes that rely on the collection of free or reduced-price meal application approval data to instead utilize CEP reporting data as applicable, thereby ensuring students continue receiving full access to the services to which they are entitled.

To successfully implement the CEP in Miami-Dade County Public Schools, authorization is requested for the Superintendent to initiate rulemaking proceedings to amend Policy 8500, *Food Services*, and Policy 8531, *Free and Reduced-Price Meals*. The policy amendments were drafted in collaboration with and reviewed by the Superintendent, Cabinet, District staff, and the School Board Attorney's Office. The Notice of Intended Action and policy amendments are attached to this item. The policy changes are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida:

- 1) approve the implementation of Provision 2 of the National School Lunch Program Community Eligibility Provision (CEP), allowing participating students to receive breakfast and lunch at no charge for school years 2022-2023 through 2025-2026. The Board retains the ability to end the use of CEP at any time during the four-year cycle or re-establish participation in CEP at the end of the four-year cycle, as outlined in CEP program guidance; and
- 2) authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Policy 8500, *Food Services*, and Policy 8531, *Free and Reduced-Price Meals*, to implement the CEP.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 22, 2022, its intention to amend Board Policy 8500, *Food Services*, and Board Policy 8531, *Free and Reduced-Price Meals*, at its regular meeting on August 17, 2022.

PURPOSE AND EFFECT: Board Policy 8500, *Food Services*, and Board Policy 8531, *Free and Reduced-Price Meals*, are proposed for amendment to implement the National School Lunch Program Community Eligibility Provision.

SUMMARY: The proposed amendments to Board Policy 8500, *Food Services*, and Board Policy 8531, *Free and Reduced-Price Meals*, provide for the School Board's election of a Community Eligibility Provision (CEP) to serve children free lunches and breakfasts in accordance with the National School Lunch Act, as amended by the Hunger-Free Kids Act of 2010. Through the implementation of CEP, which is valid for a four-year cycle, the District will be able to continue providing school breakfast and lunch at no charge to participating students through the 2025-2026 school year while leveraging the highest possible reimbursement rate for its Food Service Program.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. §§ 1001.41 (1), (2), 1001.42(16).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 42 U.S.C. 1759a; 7 C.F.R. § 245.9.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF August 17, 2022, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by July 20, 2022, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

COPIES OF THE PROPOSED NEW AND AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.



Book	Policy Manual
Section	8000 Operations
Title	FOOD SERVICES
Code	8500
Status	
Adopted	May 11, 2011
Last Revised	April 29, 2020

8500 - **FOOD SERVICES**

The Food and Nutrition service program shall strive to: (1) provide school food services consistent with the nutritional needs of students, and (2) provide school food services that contribute to the student's educational experiences and the development of desirable eating habits.

Expenditures from the Food and Nutrition Service Operating Fund shall comply with State Board of Education Rule: F.A.C. 6A-1.012, Purchasing Policies, and **National School Lunch Act-Child Nutrition Programs** Regulations 7 C.F.R., **210-250 Pt. 210-248**.

Purchase of equipment for the Food and Nutrition service program shall comply with State Board of Education Rules; F.A.C. 6A-2, Educational Facilities; 6A-7.040; 6A-7.042, and **National School Lunch Act-Child Nutrition Programs** Regulations 7 C.F.R., **Parts 210-250 Pt. 210-248**.

Administrative Responsibility

The director of food services is responsible for supervising and administering the food service program and shall provide system-wide coordination to achieve the most efficient and nutritional operation at the lowest possible cost to the student. Administrative procedures shall be developed to implement this policy, including but not limited to, dietary modifications for students with food allergies and students with disabilities.

Principal

The principal and local school staff are responsible for:

- A. complying with Federal and State laws, regulations, and the Board's policies;
- B. effecting ways to increase student knowledge of nutrition through classroom instruction and learning experiences outside the classroom; and
- C. scheduling students for the greatest participation in the school food service program.

Cost of Meals

The Food and Nutrition service program shall be operated on a non-profit basis according to the Board's contractual agreement with the Florida Department of Education and in compliance with Florida statutes, State Board of Education Rules, and the National Child Nutrition **Act of 1966** (P.L. 89-642) and **the Richard B. Russell School Lunch Act** (P.L. 79-396) Acts, **as amended by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296)**. The price of meals shall be determined annually by the Board upon recommendations of the Superintendent. Cafeteria employees are given a lunch as part of their salary. Other adults shall pay the Board-adopted sale price.

The Board shall approve any change in the prices for student meals sold in the schools, **unless the Board has elected to serve participating children free lunches and breakfasts in accordance with the Community Eligibility Provision (CEP) of the National School Lunch Act, 42 U.S.C. 1759a and 7 C.F.R. 245.9**. Prices of individually priced food and beverage items and adult meals shall be determined by the food service director.

School Breakfast Program

The Board will provide universal, free school breakfast meals to all students in each elementary, middle, and high school. A universal school breakfast program shall be implemented in each school in which 80 percent or more of the students are eligible for free or reduced-price meals, unless the Board, after considering public testimony at two or more regularly scheduled Board meetings, decides not to implement such a program in these schools. The District shall annually provide information to parents regarding available school breakfast programs.

Federal School Lunch Program

The Board shall participate in the Federal School Lunch Program and offer free or reduced-price meals according to the United States Department of Agriculture guidelines.

School-allied special programs are permitted to contract with Food and Nutrition Service for meals and supplemental nourishments upon approval by the Superintendent.

Meals for non-school allied community groups may be provided if recommended by the Superintendent pursuant to a written contract approved by the Board. The Board shall be fully compensated for the full cost of services provided.

Effective 7/1/11
Revised 4/29/20

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Legal

National Child Nutrition Act of 1966 (P.L. 89-642)
Richard B. Russell School Lunch Act (P.L. 79-396)
Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296)
F.S. 595.405(4)
F.S. 1001.41
F.S. 1001.42
F.S. 1001.51
F.S. 1013.12
F.A.C. 5P-1.002
F.A.C. 5P-1.003
F.A.C. 5P-1.004
F.A.C. 5P-1.005
7 C.F.R. Part 210-248



Book	Policy Manual
Section	8000 Operations
Title	FREE AND REDUCED-PRICE MEALS
Code	8531
Status	
Adopted	May 11, 2011

8531 - FREE AND REDUCED-PRICE MEALS

All students determined to be economically needy shall be provided upon request a free or reduced-price meal or meals at school. The Superintendent and the Food and Nutrition Director shall determine the eligibility of students for free and reduced-price meals according to Federal, State, and local guidelines and a publicly announced plan applied equitably to all families in the District.

The schools shall annually notify all families of the availability, eligibility requirements, and application procedure for free and reduced-price meals by distributing an application to the family of each student enrolled in the school, and shall provide a free or reduced-price meal or meals at school upon request to eligible students unless the Board has elected to serve participating children free breakfasts and lunches in accordance with the Community Eligibility Provision (CEP) of the National School Lunch Act, 42 U.S.C. 1759a and 7C.F.R. 245.9.

The Superintendent shall make the necessary arrangements to implement this program and ensure that the appropriate policy attachments for free and reduced-price meals or free milk are properly completed and submitted for approval to the School Food Service Division of the State Department of Education by the beginning of each school year.

Effective 7/1/11

Legal	7 C.F.R. Part 210-248 National Child Nutrition Act of 1966 (P.L. 89-642) Richard B. Russell School Lunch Act (P.L. 79-396) Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) F.S. 1006.06 42 U.S.C. 1751 et seq. 42 U.S.C. 1771 et seq.
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