

Luis E. Diaz, Chief Operating Officer  
District Operations

**SUBJECT:** **FINAL READING: PROPOSED AMENDMENTS TO 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**

At the School Board meeting of June 22, 2022, the Board approved the District's implementation of the National Lunch Program Community Eligibility Provision (CEP) to allow all students attending participating schools to receive breakfast and lunch at no charge for school years 2022-2023 through 2025-2026. Additionally, the Board authorized the Superintendent to initiate rulemaking proceedings to amend School Board Policy 8500, *Food Services*, and School Board Policy 8531, *Free and Reduced-Price Meals*, to implement the CEP.

The Notice of Intended Action was published in the *Miami Daily Business Review* on June 27, 2022, posted in various places for the public's information, and mailed to several organizations representing persons affected by the amended policy and to individuals requesting notification. The time to request a hearing or protest the adoption has elapsed.

The policy amendments were drafted in collaboration with and reviewed by the Superintendent, Cabinet, District staff, and the School Board Attorney's Office. In accordance with the provisions of the Administrative Procedure Act, the amended policies are presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the policies in its official records.

The Notice of Intended Action and proposed policies are attached to this item.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, amend School Board Policies 8500, *Food Services*, and 8531, *Free and Reduced-Price Meals*, to reflect the District's implementation of the National School Lunch Program Community Eligibility Provision (CEP), and authorize the Superintendent to file the policies with The School Board of Miami-Dade County, Florida, to be effective August 15, 2022.

**D-64**

## 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 15, 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 all students attending participating schools 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 THE SCHOOL BOARD MEETING OF August 15, 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	June 22, 2022 - <u>Final</u> Reading
Title	FOOD SERVICES
Code	8500
Status	<u>Final</u> Reading
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, except in instances where unless the Board has elected to serve participating children offer free lunches and breakfasts to all children attending participating schools, 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

- 42 U.S.C. 1751 et seq.
- 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	August 15, 2022 - <u>Final</u> Reading
Title	FREE AND REDUCED-PRICE MEALS
Code	8531
Status	<u>Final</u> Reading
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 Board shall provide free or reduced-price meals to all eligible students in accordance with the National School Lunch Act, 42 U.S.C. 1751 et. seq.** 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 free or reduced-price meal or meals at school upon request to eligible students, except in instances where~~ **unless the Board has elected to offer free lunches and breakfasts to all students attending participating schools designated by the District, 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.**

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~~ **Florida Department of Agriculture and Consumer Services (FDACS)** 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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