

RESPONSIBILITIES REGARDING SCHOOL FOOD SERVICES

This Circular will remain in effect unless rescinded or superseded by a subsequent version.

Food and Nutrition services is a federally funded program. The program's operating revenue is supported by reimbursement from meals served to students. The department is audited annually, consisting of a review of the Community Eligibility Program which includes point of service, accountability, fiscal accountability, and overall procedures.

School leaders share responsibility with the executive director of Food and Nutrition Services in ensuring that all federal, state, and local regulations applicable to the school's food services are implemented and administered daily. There are area field coordinators who are assigned to oversee school-site foodservice operations.

SCHOOL LUNCH AND BREAKFAST PROGRAMS

Breakfast and Lunch Periods:

- The state mandates sufficient time must be allocated for the students to eat lunch. At least a 30-minute lunch period is recommended, whenever possible. No less than 20 minutes can be designated for a lunch period.

- If there is a change to the meal service time, the school leader must notify the Food Services staff immediately. Any changes to service impacts staffing and must be reviewed and discussed before finalizing.
- Breakfast programs should be scheduled at least 15 to 30 minutes before the start of school. This time is needed for Food Services staff to have the necessary capability for accurate meal counting and reporting.
- Supervision is required at breakfast as well as lunch service. The school leader can make an administrative assignment or arrange for volunteers to provide student supervision. Food Service employees will not assume responsibility for supervising students.

Breakfast After the Bell:

As a continuation from SY2018-2019, the Massachusetts State Budget mandates public schools with at least 60 percent of their student population eligible for free or reduced-price meals to serve breakfast after the instructional day begins. All BPS schools must comply with this regulation.

FNS understands implementing a change in breakfast service style has its challenges and has several resources available including marketing, equipment, and programs to ensure proper implementation of a comprehensive breakfast after the bell program that provides access to meals. FNS will keep cafeterias open 30 minutes past the bell time to continue provision of breakfast to all students.

Lunch Menu:

Federal regulations mandate lunch to consist of the following:

- Meat or meat alternates
- Whole grains
- Vegetables
- Fruits
- Milk

Breakfast Menu:

Federal regulations mandate breakfast to consist of the following:

- Meat or meat alternates
- Whole grains
- Fruits
- Vegetables
- Milk

The menu as printed must be followed by FNS staff unless onsite food service staff receive approval from Food Services supervisory staff to make adjustments. Menu planning is the sole responsibility of the Department of Food and Nutrition Services. School administrators are encouraged to discuss their menu interest with the executive director of food services, 617-635-9144.

COMMUNITY ELIGIBILITY PROGRAM

This school year (2023-2024), in conjunction with the United States Department of Agriculture (USDA) and the Massachusetts Department of Elementary and Secondary Education, Boston Public Schools (BPS) will continue to participate in the

Community Eligibility Provision (CEP), created by the Healthy, Hunger-Free Kids Act of 2010. This is available for schools with high percentages of low-income children to provide breakfast and lunch to all students at no cost to them. The program increases participation in school meals, reduces labor costs for schools, and brings additional revenue to the school district from the USDA. In short, it allows for a healthier student body and a healthier school meal budget.

All students in a Community Eligibility Provision (CEP) school are deemed as economically disadvantaged, and students are provided all meals — breakfast, lunch, after-school meals, and summer meals — at no cost. In the event a student requests a second meal, the cost is \$4.00 . Students must pay at the time of the meal request. There are no credits or charges allowed.

School administrators may establish a revolving fund to cover the cost of second meals for students without means. Second meals will not be provided without a source of payment.

AFTER SCHOOL MEAL PROGRAM

Supper meals are available *at no charge* to schools that have after school enrichment programs. Program directors must contact this office to arrange for student meals. There is a brief application process that should be completed at least 2 weeks prior to program start-up. All program directors are required to attend one *mandatory* annual training session. Program administrators are responsible for completing the daily tally sheets to document meals served. Tardy submission of these reports could result in the discontinuance of the program.

SUMMER MEAL PROGRAM

Meals are provided throughout the City of Boston to all children. Meals consist of breakfast and lunch and are free to all children through age 18.

FRESH FRUIT AND VEGETABLE PROGRAM (FFVP)

The goal of the FFVP is to introduce children to fresh fruits and vegetables, to include new and different varieties, and to increase overall acceptance and consumption of fresh, unprocessed produce among children. The FFVP also encourages healthier school environments by promoting nutrition education.

USE OF SCHOOL LUNCH FOR DISCIPLINARY ACTION

- The National School Lunch Act and the State Department of Elementary and Secondary Education prohibit the denial of meals and milk as disciplinary action against school children.
- Students may not be denied any part of the meal.
- Students may not have a portion of the breakfast or lunch period taken away.
- Any action that interferes with the student's right to access meals or that discriminates against students in any way in the provision of meals is prohibited.

COMPLIANCE WITH PROGRAM REGULATIONS

We ask that school administrators assist with the enforcement of program regulations (e.g., federal regulations do not permit free or reduced reimbursement to ineligible children. There is no reimbursement for adult meals.) School administration will be charged for meals in which payment has not been received for

student second meals and adult meals. Outstanding charges will be posted against individual school instructional supply accounts.

MEAL SERVICE ACCOUNTABILITY OF SCHOOL ADMINISTRATORS

To participate in the school lunch and breakfast programs, it is necessary for a contract to be in effect between the Commonwealth of Massachusetts and the superintendent of schools. This agreement stipulates that state-approved controls are maintained to account for meals served.

- School administrators are required to comply with the approved system in operation at the particular school site.
- To assist with decreasing meal waste and improving accountability, it is recommended that elementary teachers ask students beforehand who will be eating lunch in the cafeteria or classroom and give that information to the food service staff one hour before lunch so they can have more accurate counts.
- School leaders are to ensure that all students know their student ID numbers, required to be entered at the point of sale for accountability of each meal.
- Milk cannot be served without payment.
- Meal counts must be taken at the “point of service” (end of the line) when a student has received a reimbursable meal. Five food components must be offered for lunch and three components for breakfast.
- In schools with classroom meal service, it is necessary to account for the meal served at the time of service.

COMPETITIVE FOOD SALES AND VENDING MACHINES

Regulations on competitive food sales in schools and vending machines are contained in regulations established by the Massachusetts Board of Education. Failure to follow these regulations may result in loss of federal funding (see FNS 03 Nutrition Policy).

Regulatory Authority:

- M.G.L. C.15, § 1G
- Federal Register, 2013, 7 CFR Parts 210 and 220, National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in Schools as Required by the Healthy, Hunger-Free Kids Act of 2010; Interim Final Rule, U.S. Department of Agriculture, 78 (125) (June 28, 2013).
- Federal Register, 2014, 7 CFR Parts 210 and 220, Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010: Proposed Rule, U.S. Department of Agriculture, 79 (38) (February 26, 2014).
- Massachusetts General Laws (2010). Chapter 111, Section 223.
- [General Law - Part I, Title XVI, Chapter 111, Section 223.](#)
- State of Massachusetts, Chapter 96 of the Acts of 2012 (amendment to 2010 law), [Acts of 2012 Chapter 96 - Session Laws.](#)
- Massachusetts Department of Public Health (2010), Nutrition Standards for Competitive Foods and Beverages in Public Schools, 105 CMR 225.000
- Massachusetts Department of Public Health (2012). "Students, Healthy Schools: Revised Guidance for

Implementing the Massachusetts School Nutrition Standards for Competitive Foods and Beverages" [Healthy Students, Healthy Schools: Revised Guidance for Implementing the Massachusetts School Nutrition Standards for Competitive Foods and Beverages](#)

Only Food Services is permitted to sell to students.

The Food and Nutrition Services Department is solely responsible for food and beverages sold to children during the school day; consequently, *the sale of food and beverages by others is expressly forbidden.*

All income must accrue to Food Services.

The income for the total food and beverage service regularly maintained on school premises shall accrue to the school food services program to be used solely for the operation or improvement of such service. This shall include the income from the sale of a la carte foods and beverages and vending machines, managed by the Food and Nutrition Services Department. Food sales operated for profit (this includes bake and candy sales) shall not operate during the regular school day.

Food items allowed for sale:

The sale of *a la carte* foods shall be restricted to those items recognized as contributing to or permitted to be served as part of the breakfast or lunch. This restriction automatically eliminates the sale of candy, carbonated beverages, etc. Fundraising activities can only operate after school hours.

Vending machines:

603 CMR 29.01 Non-Profit Lunch Program/Use of Vending Machines: Vending machines are not to be in use during school hours.

Canteen services at school site locations:

603 CMR 29.05 Competitive Foods:

Federal regulations prevent the sale of candy, gum, and carbonated beverages to students on school premises from the beginning of the school day to the end of the last lunch period.

The sale of food items from canteen trucks, school stores or other areas that compete with school meals, time, and money is in violation of federal regulations. These sales further divert income essential to the financial wellbeing of the Food and Nutrition Services program.

- ▶ Use of canteen services on school premises by students should be prohibited.

CATERING SPECIAL FUNCTIONS AND FIELD TRIPS

Special function considerations:

- Schools planning special activities should contact the cafeteria manager/satellite attendant AND Office of Food and Nutrition Services with advance notice of the event. A written request for use of the cafeteria facility or hiring of personnel must be made in writing at least 7 days before the event.
- Food and supplies or cooking utensils will not be provided free of charge. Schools requesting such services will be charged a fee to cover costs.
- All evening and weekend functions will require hiring Food Services staff at an overtime rate. All costs must be paid prior to the date of the event. Credit will be given if the event is canceled with 48 hours' notice.

For more information about this circular, contact:

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