

***FEEDBACK RECEIVED SINCE THE 12/08/21 WORK SESSION APPEARS IN ORANGE TEXT ON PAGE 1.**

~~REGULATIONS FOR SCHOOL MEALS AND SNACKS~~

I. GOVERNING POLICY: EFB/JHCH: ACPS FOOD SERVICES

I.II. GENERALLY

~~The Alexandria City School Board recognizes that s~~Students need adequate, nourishing food in order to learn, grow, and maintain good health. To reinforce the school division's nutrition education program, food sold to students during regular school hours (on school premises) meets, at a minimum, the requirements established by state and federal law and regulation, including the Healthy, Hunger-Free Kids Act of 2010.

Additionally, snacks and fundraisers during regular school hours and on school premises will follow the USDA's Smart Snacks in School standards unless qualifying for a "competitive foods" exemption as discussed below.

Alexandria City Public Schools (ACPS) promotes high-quality school meals and snacks by:

- Involving students in the selection, tasting, and marketing of healthy foods and beverages that appeal to students;
- Providing a variety of food options, such as fruits, vegetables, whole grains, and dairy foods, which are low in fat and added sugars;
- Offering a variety of healthy choices that appeal to students, including cultural and ethnic favorites;
- Restricting student access to unhealthy foods in vending machines, school stores, and other venues that compete with healthy school meals; and
- Ensuring that healthy snacks and foods are provided in vending machines, school stores, and other venues within the division's control. The healthy options should cost the same or less than unhealthy alternatives.

ACPS strives to provide an environment conducive to good health by:

- Ensuring that access to free drinking water sources is provided ~~fountains are operable, clean, and convenient for use~~ throughout the school day;
- Offering extracurricular physical activity programs, such as physical activity clubs, intramural programs, or interscholastic athletics;
- Discouraging the promotion and advertising of unhealthy foods; and
- Using non-food items rather than food items such as candy, cakes, soda, and foods high in fat, as incentives and rewards for good behavior or academic performance.

ACPS supports nutrition education and physical education by:

- Ensuring that qualified nutrition education and physical education specialists focus on knowledge and skill development so students are able to learn and adopt healthy eating and physical activity behaviors;
- Offering nutrition education in the school dining area(s) and in the classroom, with coordination between food service staff and teachers; and
- Eliminating any stigma attached to, and preventing public identification of, students who are eligible for free and reduced-price meals.

4.3.3. NUTRITIONAL GUIDELINES

Meals and snacks offered as part of the National School Lunch Program or the School Breakfast Program meet, at a minimum, the requirements established by state and federal law and regulation, [including 8 VAC 20-740-10 through 8 VAC 20-740-40](#).

Competitive foods, as defined in this regulation, comply with state and federal requirements.

Potable water is available and accessible without restriction to students at no charge during school meal services.

A. Competitive Food

~~ACPS does not limit the frequency of “competitive food” sales (fundraising food sales) when they meet the nutrition standards specified by the Healthy, Hunger-Free Kids Act of 2010 and the USDA’s Smart Snacks in School standards. Definitions~~

A. Definitions

“**Competitive food**” means all food and beverages (other than meals reimbursed under programs authorized by the National School Lunch Act and the Child Nutrition Act of 1966) available for sale to students on the school campus during the school day. Competitive food meets the nutrient guidelines established by the Board of Education, including the guidelines for calories, fat, sugar and sodium. It includes all foods available for sale to students:

- In school cafeterias as a la carte items;
- In vending machines located on the school campus during the school day;
- As fundraisers held on the school campus during the school day;
- In school snack bars on the school campus during the school day;
- In school stores operated on the school campus during the school day by the school, a student association, or other school-sponsored organization;

- At school activities such as special fundraisers, achievement rewards, classroom parties, school celebrations, classroom snacks, or school meetings held on the school campus during the school day; or
- In culinary education programs where food prepared as part of the educational curriculum is sold to students; however, this provision does not apply if food is sold to adults only.

This term does not apply to food a student brings from home for consumption at school or items available for sale to adults only in areas not accessible to students (e.g., teachers lounges).

"Excess food" means any remaining unexpired, unopened, and unconsumed food intended to be served as part of a reimbursable meal that was unable to be utilized for a current or future meal provision after a school has served breakfast and lunch to students during a school day.

"Fundraiser" means a school-sponsored activity where food or nonfood items are sold on the school campus during regular school hours by a school-sponsored organization to raise money for a school-related program or activity. One fundraiser is defined as one or more fundraising activities by one or more school-sponsored organizations that last one school day. If multiple school-sponsored organizations conduct fundraisers on the same day, the combined activities are counted as one fundraiser. If a fundraising activity lasts more than one school day, each subsequent day's activity is considered as one fundraiser and counts toward the total number of permitted fundraisers.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

"School day" means the period from the midnight before to 30 minutes after the end of the official school day.

B. Excess Food

The Office of School Nutrition Services establishes procedures by which excess food may be distributed, saved for later consumption, or donated.

C. Competitive Food

ACPS does not limit the frequency of "competitive food" sales (fundraising food sales) when they meet the nutrition standards specified by the Healthy, Hunger-Free Kids Act of 2010 and the USDA's Smart Snacks in School standards. Definitions

A.D. School Sponsored Fundraisers: During School

In accordance with Policy JL, all fundraisers must be approved in advance by the school principal. All competitive food sold to students on the school campus during the school day must meet the nutrition standards specified by federal and state law and regulation.

Exception: In accordance with the Virginia Board of Education's (VBOE) *Resolution to Establish and Define Exemptions for School-Sponsored Fundraisers*, each school may conduct the following number of school-sponsored fundraisers during the school day per school year, during which food that does not meet the nutrition guidelines for competitive foods may be available for sale to students.

- **Elementary Schools: two (2) per school year**
- **Secondary Schools: one (1) per organization, not to exceed thirty (30) total per school per school year**

As outlined in VBOE's regulations, such fundraisers may not be held during breakfast or lunch periods.

B-E. After-School Fundraisers

After the school day, the School Board grants schools the authority to decide what can be sold at these events when they are outside school hours, and permits exceptions for fundraisers when foods are not intended for consumption on school campus, as long as food safety handling and storage guidelines are followed.

F. Advertising and Marketing

ACPS permits the marketing and advertising of foods only when they meet the nutrition guidelines for competitive foods, serve to promote student health, [reduce and](#) prevent childhood obesity, and combat problems associated with poor nutrition and physical inactivity.

G. Recordkeeping

ACPS is responsible for maintaining records that document compliance with this policy. Those records include documentation used to assess the nutritional profile of food items and determine whether a food item is an allowable competitive food, such as recipes, nutrition labels and/or product specifications for the competitive food available for sale to students.

For food items sold during the school day that are not part of a fundraiser exemption approved by the principal, ACPS is also responsible for:

- Maintaining records documenting compliance with the competitive food nutrition standards (for food available for sale in areas that are outside of the control of the school nutrition programs operations);
- Ensuring any organization or school activity designated as responsible for food service at the various venues in the school, other than the school nutrition programs, maintains records documenting compliance with the competitive food nutrition standards;
- Maintaining records each school year documenting the number of exempt fundraisers, if any, conducted at each school within the division; and
- Designating an individual at the division or school level to monitor and ensure compliance with Section I. of this regulation in all areas that are outside the control of the school nutrition programs operation. The designee may not be a school nutrition staff member.

IV. UNPAID MEAL CHARGES

ACPS believes in treating all students with dignity in the serving line regarding meal accounts.

- Students who do not have money on account or in hand to cover the cost of a meal at the time of service ~~will be~~ permitted to charge a full meal. ([Federal regulations](#), ~~h~~However, ~~students are do~~ not ~~allow permitted to charge~~ a la carte items ~~to be charged~~.) Reasonable efforts ~~will be~~ used to avoid calling attention to a student's inability to pay.
- Students ~~who cannot pay for a meal at school or who owe a school meal debt are not required or directed to throw away or discard a meal after it has been served to them. They are not never~~ required to do chores or other work to pay for such a meal or to settle any unpaid meal charges, and will not be publicly identified by wearing a wristband, hand stamp, sticker, or in any other way if they cannot pay for a meal or have an unpaid meal charge. Students who have money in hand to pay for a meal will be provided one even if they have a negative account balance. The money will not be applied toward reducing the balance.

A. Notification

School Nutrition Services (SNS) will notify the principal daily of any unpaid meal charges. For students with a negative account balance, the principal's designee will notify the parent/ guardian weekly in the parent's/guardian's preferred language. Staff will not communicate directly to students regarding their school meal debt. After ten (10) meals have been charged, the principal will notify the parent/guardian by U.S. mail. Written notifications will include the amount of unpaid meal charges and information on replenishing the student's meal accounts, as well as contact information for assistance registering for free and reduced meal

benefits. In addition, the principal will designate a member of the school support team to schedule a meeting with the parent/guardian to determine whether the student qualifies for free and reduced meal benefits. If outreach efforts are unsuccessful, further action may be taken.

ACPS' goal is to ensure the safety of all students. Therefore, ACPS may notify the Department of Social Services of suspected cases of child neglect.

B. Delinquent Accounts

For accounting purposes, delinquent debt (a student meal account with a negative balance) is allowable in the school nutrition program and may be carried over while the student is enrolled in ACPS. However, bad debt, defined as delinquent debt that is deemed uncollectible after the student is no longer enrolled in ACPS, is unallowable in the school nutrition program and cannot be carried over to the next school year.

The Superintendent ensures that federal child nutrition funds are not used to offset the cost of unpaid meals and that the child nutrition program is reimbursed for bad debt. In order to accomplish this, the following procedures are followed:

- Parents/guardians are expected to pay all meal charges in full by the last day of the school year.
- If payment of the negative balance is not received by the end of the school year, the debt may be turned over to the Superintendent or designee for collection. If the debt is not paid by the time the student leaves ACPS, it is considered bad debt for the purposes of federal law concerning unpaid meal charges.
- ACPS does not file lawsuits against a student or the student's parent/guardian because the student cannot pay for a meal at school or owes a school debt.

ACPS may solicit and receive any donation or other funds for the purpose of eliminating or offsetting any school meal debt at any time and will use any such funds solely for such purpose.

C. Account Balance Refunds

Throughout the school year, parents/guardians may request the transfer or refund of positive student meal account balances by contacting the Nutrition Services school manager. On June 30th of each year, accounts for all graduating seniors, as well as for students no longer enrolled in ACPS, will be deemed inactive. Parents/guardians have up to one year (the following June 30th) to request a transfer or refund of the balance by contacting Nutrition Services. After one year, the Department of Financial Services may treat remaining account balances as a donation to the Nutrition Services General Fund.

D. Policy Communication

This meal charge policy ~~will be~~ communicated to all students and parents/guardians by:

- Posting it on the ACPS website;
- Including it in the student welcome packet at the beginning of each school year and to all transfer students during the school year;
- Attaching it to the Free and Reduced Meal Benefits Application; and
- Including it with online payment system information materials.

In addition, this policy will be communicated to all staff prior to the first day of ~~school.~~[The school.](#) The Department of Nutrition Services ~~must~~ documents its methods of communicating the policy to households and its training of staff responsible for its enforcement.

Established: June 22, 2017
Revised: March 7, 2019
[Revised:](#)

Legal Refs: 42 U.S.C. §§ 1758, [1772](#), [1773](#).

7 C.F.R. [§§ 210.9](#), 210.11, [220.20](#), [245.5](#), [245.8](#).

[U.S. Department of Agriculture, SP 23-2017 Unpaid Meal Charges: Guidance and Q&A, March 23, 2017.](#)

~~[U.S. Department of Agriculture, SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies, July 8, 2016.](#)~~

[U.S. Department of Agriculture, SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments, July 8, 2016.](#)

Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79.7, [§ 22.1-207.2:1](#), [22.1-207.2:2](#), [22.1-207.3](#), 22.1-207.4, [22.1-207.4.1](#), [63.2-1509](#).

8 VAC 20-740-10.
8 VAC 20-740-30.
8 VAC 20-740-35.
8 VAC 20-740-40.

Cross Refs: [EF](#) [Food Service Management](#)
[EFB/JHCH](#) [Free and Reduced Price-ACPS](#) Food Services
[EFE](#) [Food Service Records and Reports](#)
[GAE](#) [Child Abuse and Neglect Reporting](#)

IGAE/IGAF	Health Education/Physical Education
JHCF	Student Wellness
JHCF-R	Student Wellness Guidelines for the Alexandria City Public Schools
JHCF-R2	Food Allergy Guidelines
JHCH	School Meals and Snacks
JL	Fundraising and Solicitation
KG	Public Sales on School Property
KH	Public Donations to the Schools
KH-R	Regulations for Public Donations to the Schools
KJ	Advertising in the Schools
KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

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