

**REVISED POLICY - VOL. 9, NO. 1**

FOOD SERVICES

The Board of Education shall provide cafeteria facilities in all school facilities where space and facilities permit, and will provide food-service for the purchase and consumption of breakfast and lunch for all students. The Board shall annually encumber the funds needed to operate the program.

The Board must annually approve the Sponsor's Agreement and Policy Statement for provision of free and reduced price meals and snacks, or free milk, free textbooks, workbooks and instructional supplies. The Superintendent must provide copies of sponsor's approved Policy Statement to all participating schools.

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages as well as to the fiscal management of the program. In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. **[Please note: Schools only offering the Special Milk Program do not have to have a HACCP plan.]** For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service program staff and other authorized persons.

**The Board shall approve and implement nutrition standards governing the types of food and beverages that may be sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold. In adopting such standards, the Board shall:**

- A. consider the nutritional value of each food or beverage;**
- B. consult with a dietitian, a dietetic technician registered by the commission on dietetic registration, or a school nutrition specialist certified or credentialed by the school nutrition association;**

- C. consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services; and**
- D. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.**

**No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.**

**The Board shall provide a Federal food service program for students during summer intervention programs that are mandated under Federal law. If the Board determines that it is unable to provide a Federal food service program during the summer, for financial reasons, the Board will communicate that decision to its residents in a manner it determines to be appropriate.**

Substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a healthcare provider who has prescriptive authority in the State of West Virginia has provided medical certification that the student has to have a disability which restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. 15(b). (See also **Board** Policy 5335.01 - Diet Modifications) Such substitutions shall be recorded in the affected student's 504 Plan or health plan, as the case may be. To qualify for such substitutions the medical certification must identify:

- A. the student's disability and the major life activity affected by the disability;
- B. an explanation of why the disability affects the students diet; and
- C. the food(s) to be omitted from the student's diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

- [ ] On a case by case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who are not "disabled persons", but have a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:
- A. the medical or dietary need that restricts the student's diet; and
  - B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

For non-disabled students who need a nutritional equivalent milk substitute, only a signed request by a parent or guardian is required.

During all times while the food-service program is operating and students are being served food, at least one (1) employee shall be present in the area in which the food is being consumed ( ) who has received instruction in methods to prevent choking and demonstrated an ability to perform the Heimlich maneuver.

Breakfast and lunches sold by the school may be purchased by students and staff members and community residents in accordance with administrative guidelines established by the Superintendent.

The operation and supervision of the food-service program shall be the responsibility of the **Director of Child Nutrition Program**\_\_\_\_\_. In accordance with Federal law, **Logan County Health Department**\_\_\_\_\_ shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year for each school, which are conducted by State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available to members of the public upon request. **[Please note: Schools participating in more than one (1) child nutrition program are only required to obtain two (2) food safety inspections per school year if the nutrition programs offered use the same facilities for the preparation and service of meals. Also, the requirement for two (2) inspections does not apply to schools that only offer the Special Milk Program.]**

A periodic review of the food-service accounts shall be made by the **State of West Virginia**\_\_\_\_\_. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a la carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account. All meals must be priced and served as a unit. Only fluid milk, non-fat and/or one percent (1%) ~~low-fat~~**low-fat** milkshakes and bottled water may be sold as a la carte items for breakfast and lunch at any grade level.

With regard to the operation of the school food service program, the Superintendent shall require the:

- A. maintenance of sanitary, need premises free from fire and health hazards;
- B. preparation of food that complies with Federal food safety regulations;
- C. the planning and execution of menus in compliance with USDA requirements;**
- ~~C.~~**D.** purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (see Policy 6320)
- E. complying with food holds and recalls in accordance with USDA regulations;**
- ~~D.~~**F. administration,** accounting and disposition of food service funds pursuant to Federal and State law and USDA regulations;
- ~~E.~~**G. safekeeping and storage of food and food equipment pursuant to State and Federal law and** USDA regulations;
- ~~F.~~**H. regular maintenance and replacement of equipment;- and**

- I. **All District employees whose salaries are paid for with USDA funds or non-Federal funds used to meet a match or cost share requirement must comply with the District's time and effort record-keeping policy (See Policy 6116 - Time and Effort Reporting).**

No foods or beverages, other than those associated with the ~~County~~**District's** food-service program, are to be sold during food-service hours in the dining area. The ~~County~~**District** shall serve only nutritious food as determined by the Food-Service Department and in compliance with Federal and State regulations. No candy, chewing gum or flavored ice bars will be sold or served during the school day.

**In accordance with the nutritional standards adopted by the Board, the placement of vending machines in any classroom where students are provided instruction, unless the classroom is also used to serve meals to students, is prohibited.**

- ~~[ ] The Board will permit the sale of soft drinks in county **District** high schools except during breakfast and lunch periods. The sale of such soft drinks shall be in compliance with the rules of the National School Lunch Program and the School Breakfast Program of the West Virginia State Board of Education and the nutrition service of the United States Department of Agriculture. Seventy five percent (75%) of the profits from the sale of soft drinks shall be allocated by a majority vote of the faculty senate of each school and twenty five percent (25%) of the profits from the sale of soft drinks shall be allocated to the purchases of necessary supplies by the Principal of the school. No foods containing more than thirty five percent (35%) sugar by weight will be sold or served. Any juice or juice product sold or served must contain a minimum of twenty percent (20%) real juice.~~

All "other foods" available during the instructional day shall reflect the Dietary Guidelines for Americans and Board ~~of Education~~ Policy 8510.01.

Foods and beverages unassociated with the food-service program may be vended in accordance with ~~County~~ Board Policy 8540.

The Superintendent will require that the food service program serve foods in the schools of the ~~County~~**District** that are wholesome and nutritious and reinforce the concepts taught in the classroom.

**West Virginia State Board of Education policy 1224.1**

**West Virginia State Board of Education policy 4320**

**West Virginia State Board of Education policy 4321.1**

**West Virginia State Board of Education policy 8200**

**WV Code 18-2-6a**

**42 U.S.C. 1758**

**Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.**

**Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.**

**7 C.F.R. 15b, 210, 215, 220, 225, 226, 227, 235, 240, 245, 3015**

**OMB Circular No. A-87USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)**

**SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs**

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