



PORTLAND PUBLIC SCHOOLS

OFFICE OF General Counsel

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Date: March 6, 2020
To: School Board
From: Mary Kane, Senior Legal Counsel *MK*
Subject: 3.60.040-P Nutrition Services, Meal Pricing and Purchasing

BACKGROUND

The 2019 Oregon Legislature made a number of revisions to statutes related to education. They became effective January 1, 2020. The District has already implemented the changes but hadn't revised the policies to align with the law. The General Counsel's office has reviewed the bills amending current statutes and incorporated or amended the District's policies and administrative directives to comply with these statutory requirements. These changes were made with assistance from the Senior Director of Nutrition Services.

The Board policy committee recommended that this policy move to the full Board for vote on February 4, 2020. It is coming before the Board on March 17, 2020 for a first reading.

RELATED POLICIES/BEST PRACTICES

It is best practice to conform existing policies to current law.

ANALYSIS OF SITUATION

The General Counsel's Office conducted a review of texts of 2018-2019 enrolled Oregon state senate and house bills relating to the two policies as well as revisions to the Oregon Administrative Rules (OARs). We also consulted with OSBA on the policy changes by reviewing comparable OSBA policies. The following is a brief description of the state bills requiring amendments to our current policies:

Initial changes to ORS 327.537 were made in the 2018 legislative session but were further revised the following year. The bills added language that a school must provide a student a reimbursable meal upon request, while also allowing a parent the right to withhold a meal. Additional changes including prohibiting a district from contacting a student directly about meal charges and prohibiting the use of a collection fees. We have included this language in 3.60.040-P Nutrition Services, Meal Pricing and Purchasing.

FISCAL IMPACT

The changes will have no new fiscal impact. While the policy has fiscal consequences, most of the legislative requirements had already been implemented by Nutrition Services and incorporated into its budget in the 2019-2020 year.

COMMUNITY ENGAGEMENT (IF APPLICABLE)

Because these changes are driven by legislative directives, there was limited stakeholder engagement. This office did consult with various internal stakeholders to ensure that the policy and District practice align with state law.

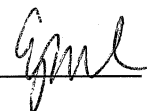
TIMELINE FOR IMPLEMENTATION / EVALUATION

The statutory changes to the Nutrition policy began in 2018 but were further amended in 2019. The executive session language became effective January 1, 2020. The Diploma policy changes arose out of Board of Education revisions made in March and May of 2019.

STAFF RECOMMENDATION

Staff recommends that you approve the amendments made to these Policies.

As a member of the PPS Executive Leadership Team, I have reviewed this staff report.

 (Initials)

ATTACHMENTS

- A. 3.60.040-P Nutrition Services, Meal Pricing and Purchasing, redline and clean copy



Nutrition Services, Meal Pricing and Purchasing

I. Standard Prices

Standard prices for adult meals and student reimbursable meals shall be established by the Board. Ala carte meal prices may be established by the Director of Nutrition Services.

II. Payment of Charges

All adults shall pay the regular lunch fee, and there shall be no charge accounts. In accordance with federal law, reimbursable student meal prices shall not be used as an offset to adult meal program prices.

III. Purchase of Foods

All food prepared and/or served in cafeterias of the district shall be purchased through and according to specifications of the Office of Nutrition Services. All food prepared on school premises must be for the consumption on school premises or at school activities only. Food or supplies for private use are not to be purchased by the school nor carried from the premises. Any leftover food or other material, which is not to be incinerated, is to be collected by the city sanitary service.

IV. Student Reimbursable Meals

Students who request a reimbursable meal shall be provided with one regardless of whether the student has money to pay for the meal or owes money for meals unless the student's parent or guardian has provided written permission to the District to withhold a meal from the student.

Prohibition on Public Disclosure of Status of Meal Payments. The District shall not publicly identify or stigmatize a student who cannot pay for a meal or who owes money for a meal by requiring that the student wear a wristband, hand stamp or other identifying marker or by serving the student an alternative meal; or require the student to do chores or other work to pay for meals.

V. Collection Agencies

The District may not require a parent or guardian to pay fees or costs from collection agencies hired to collect moneys owed for meals.

3.60.040-P Nutrition Services, Meal Pricing And Purchasing

- (1) **Standard Prices.** Standard prices for adult meals and student reimbursable meals shall be established by the Board. Ala carte meal prices may be established by the Director of Nutrition Services.
- (2) **Payment of Charges.** All adults shall pay the regular lunch fee, and there shall be no charge accounts. In accordance with federal law, reimbursable student meal prices shall not be used as an offset to adult meal program prices.
- (3) **Purchase of Foods.** All food prepared and/or served in cafeterias of the district shall be purchased through and according to specifications of the Office of Nutrition Services. All food prepared on school premises must be for the consumption on school premises or at school activities only. Food or supplies for private use are not to be purchased by the school nor carried from the premises. Any leftover food or other material, which is not to be incinerated, is to be collected by the city sanitary service.
- (4) **Student Reimbursable Meals.** Students who request a reimbursable meal shall be provided with one regardless of whether the student has money to pay for the meal or owes money for meals unless the student's parent or guardian has provided written permission to the District to withhold a meal from the student.
- **Prohibition on Public Disclosure of Status of Meal Payments.** The District shall not publicly identify or stigmatize a student who cannot pay for a meal or who owes money for a meal by requiring that the student wear a wristband, hand stamp or other identifying marker or by serving the student an alternative meal; or require the student to do chores or other work to pay for meals.
- (5) _____
- (6) **Collection Agencies.** The District may not require a parent or guardian to pay fees or costs from collection agencies hired to collect moneys owed for meals.

Legal References: ORS 332.107; [ORS 327.537](#); OAR 581-051-0100; OAR 581-051-0310; 7 CFR Parts 210, 215, 220, 245; OAR 581-051-0305; OAR 581-051-0400

History: Adpt 6/71; Amd 10/83; Amd 9/9/02; BA 2419; Amd [24/202/19](#)

~~"Eligibility Guidance for School Nutrition Programs", Oregon Department of Education
R2/12/99_MW~~

RESOLUTION No. 6091

Resolution to Approve 3.60.040-P Nutrition Services, Meal Pricing and Purchasing Policy

RECITAL

- A. In 2019, the Oregon legislature made revisions to multiple education laws and regulations, including those addressing the provision of nutrition services for students. Initial changes to ORS 327.537 were made in the 2018 legislative session but were further revised in the 2019 legislative session.
- B. State law now requires a school must provide a student a reimbursable meal upon request, while also allowing a parent the right to withhold a meal. Additional changes including prohibiting a district from contacting a student directly about meal charges and prohibiting the use of a collection fees.
- C. On February 10, 2020, the Policy and Governance Special Committee met to review proposed revisions and its alignment to current law. It recommended to move forward the proposed policy to the full Board for approval.
- D. On March 17, 2020, it went before the Board for a first reading and was posted on the Board website for public comment.

RESOLUTION

The Board of Education hereby moves to approve the revised Policy 3.60.040-P Nutrition Services, Meal Pricing and Purchasing.