

Illinois Free Lunch and Breakfast Programs (SECTION 305.10)

Section 305.10 addresses requirements for school districts and others that receive state reimbursement under the Illinois Free Lunch and Breakfast Programs. The rules clarify the requirement of all public schools to offer a free meal (lunch required, and breakfast required if the school operates a free breakfast program) to students eligible to receive such meals as determined under the regulations governing the federal School Breakfast Program and the National School Lunch Program.

Every public school is required to provide a free meal to students eligible to receive free meals. My school does not participate in the National School Lunch Program or School Breakfast Program. How is a student determined to be eligible for free meals?

Students must receive free meals if they are eligible to receive food stamps or Temporary Assistance to Needy Families (TANF), or if their household income falls within guidelines published annually by the United States Department of Agriculture (USDA). These Income Eligibility Guidelines are posted annually on our website at <http://www.isbe.net/nutrition/htmls/data.htm#income>.

Some students eligible for free meals may receive a letter from ISBE certifying they are eligible for free meals. This is referred to as an Eligibility Certificate that automatically qualifies them for free meals. If the household does not receive an Eligibility Certificate, eligibility is best determined by asking households each school year to complete the Household Eligibility Application for the Illinois Free Lunch and Breakfast Programs application provided by ISBE at http://www.isbe.net/nutrition/htmls/household_eligibility.htm. The form contains the required information to process applications in the federal programs and can be used by schools for the state-funded program. While schools are not required to use this form, they must have a procedure in place to determine whether students are eligible for free meals.

Is a school required to seek reimbursement for meals served to students eligible for free meals?

It is the option of the public or nonpublic school to seek reimbursement through the state-funded Illinois Free Lunch and Breakfast Program. For school year 2006–2007, the current rate of reimbursement is \$0.1150 per each free breakfast and/or lunch. Reimbursement rates are posted annually at <http://www.isbe.net/nutrition/htmls/data.htm>. Contact the Nutrition Programs Division for more information on claiming meals for reimbursement through the Illinois Free Lunch and Breakfast Programs.

A student who is eligible for free meals is enrolled in a public school; however, the student is placed in a facility (public or nonpublic) that does not provide meal services. Is the public school required to provide free meals to the student?

The public school in which the student is enrolled is responsible for ensuring the enrolled student receives a free meal by providing the meal or making arrangements for the student to receive a meal. Under these circumstances, the free meal is eligible for state reimbursement through the Illinois Free Breakfast and Lunch Program only.

My school is seeking reimbursement through the state-funded Illinois Free Lunch and Breakfast Program. What must the school serve?

The meals must meet the definition of a federal reimbursable meal. Federal regulations require the lunch meal contain a serving in the appropriate size of the following items: meat/meat alternate, bread/grain, two servings of fruits/vegetables, and fluid milk at a minimum. The breakfast meal must contain a serving in the appropriate size of the following items: two servings of meat/meat alternate and/or bread/grain, a serving of fruit/vegetable, and fluid milk at a minimum. Additional information on the meal requirements set forth in the federal regulations may be found at http://www.isbe.net/nutrition/htmls/forms_sbn.htm.

Sale of Foods and Beverages in Participating Schools (SECTION 305.15)

This section establishes criteria that participating schools must follow when selling foods and beverages to students in grade 8 and below before and during the regular school day. It is important to note that only those schools that participate in the *federal* School Breakfast or National School Lunch Programs must adhere to the requirements when making choices about the beverages and foods to be sold to students. For a summary of applicable food and beverage requirements, see [Appendix B-2](#).

The food and beverage requirements do not affect foods and beverages sold to students as part of a reimbursable meal nor to foods sold to students within the food service areas during the meal periods. The beverage requirements are applicable throughout the school building before and during the regular school day including meal periods.

In addition, this section outlines the process a participating school may use for the 2006–2007 school year to request an exemption from the food and beverage requirements if the school district has an existing contract or grade structure that will not allow implementation.

Who do the food and beverage requirements affect?

The food and beverage requirements affect participating schools that enroll students in grades 8 or below. A participating school is any public or nonpublic school that participates in the federal School Breakfast Program or the National School Lunch Program. This does not include schools that participate only in the Special Milk Program.

What are the food and beverage requirements?

Food Requirements

Foods sold to students in grades 8 or below outside of food service areas or within food service areas other than during meal periods shall include only:

- Nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruits or non-fried vegetables, or low-fat yogurt products; or
- Any food item that meets all of the following criteria:
 - Total calories from fat do not exceed 35 percent;
 - Total calories from saturated fat do not exceed 10 percent;
 - Total amount of sugar by weight does not exceed 35 percent; and

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- Calories do not exceed 200.

Beverage Requirements

Beverages sold to students in grades 8 or below before or during the regular school day including the meal periods shall include only:

- Flavored or plain whole, reduced-fat (2 percent), low-fat (1 percent), or nonfat fluid milk that meets State and local standards for pasteurized fluid milk;
- Reduced-fat and enriched alternative dairy beverages (i.e., rice, nut, or soy milk, or any other alternative dairy beverage approved by the United States Department of Agriculture (USDA));
- Fruit and vegetable drinks containing 50 percent or more fruit or vegetable juice;
- Water (non-flavored, non-sweetened, and non-carbonated);
- Fruit smoothie (yogurt or ice-based) that contains less than 400 calories and no added sugars, and is made from fresh or frozen fruit or fruit drinks that contain at least 50 percent fruit juice; and
- Any beverage exempted from the USDA's list of Foods of Minimal Nutritional Value (see [Appendix C](#)).

What is a reimbursable meal?

A reimbursable meal is a meal that meets the federal regulations for a reimbursable meal. Federal regulations require the lunch meal contain a serving in the appropriate size of the following items: meat/meat alternate, bread/grain, two servings of fruits/vegetables, and fluid milk at a minimum. The breakfast meal must contain a serving in the appropriate size of the following items: two servings of meat/meat alternate and/or bread/grain, a serving of fruit/vegetable, and fluid milk at a minimum. Additional information on the meal requirements set forth in the program regulations may be found at http://www.isbe.net/nutrition/htmls/forms_sbn.htm.

What is the food service area?

The food service area is any area on school premises where reimbursable meals are served and/or eaten.

What is the meal period?

The meal period is the period of time when breakfast or lunch is regularly served and the time scheduled for students to eat the meal.

Do the beverage requirements affect the reimbursable meal?

Beverages sold as part of a reimbursable meal do not need to meet the state beverage requirements. However, participating schools must follow federal regulations that prohibit the sale of foods of minimal nutritional value (FMNV) during meal periods within food service areas. Beverages listed as FMNV include soda water and water ices. However, some soda water and water ices are exempted by USDA from this regulation. For the list of exempted beverages that may be sold, see [Appendix C](#).

Do beverage requirements affect beverages sold within the food service areas outside of the reimbursable meals?

Beverages sold to students in grades 8 or below within food service areas before or during the regular school day including the meal period must meet the beverage requirements.

Do beverage requirements affect beverages sold outside of the food service areas?

Beverages sold to students in grades 8 or below outside of the food service areas before and during the regular school day including the meal period must meet the beverage requirements.

Do the food requirements affect the reimbursable meal?

Foods sold as part of a reimbursable meal do not need to meet the state food requirements. However, participating schools must follow federal regulations that prohibit the sale of FMNV during meal periods within food service areas. Foods listed as FMNV include chewing gum and certain candies (hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy, and candy coated popcorn). However, some of these food items are exempted by USDA from this regulation. For the list of exempted foods that may be sold, see [Appendix C](#).

Do the food requirements affect foods sold to students within the food service areas outside of the reimbursable meals?

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Within the food service area during the meal period, the food requirements do not apply except for prohibiting participating schools in which classes of grades 5 and below are operating from selling confections, candy, and potato chips. For the most part, a la carte and second entrées are not affected by the food requirements.

Within the food service area other than during the meal period, foods sold to students in grades 8 or below must meet the food requirements.

Do the food requirements affect foods sold outside of the food service areas?

Foods sold to students in grades 8 or below outside of the food service areas before and during the regular school day including the meal period must meet the food requirements. In addition, participating schools with students in grades 5 and below are prohibited from selling confections, candy, and potato chips during meal periods.

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Section 305.15(g) states that participating schools in which grades 5 or below are operating shall prohibit the sale of confections, candy or potato chips during the meal periods. How does this apply?

Confections, candy nor potato chips could be sold during meal periods if schools are K-3, K-6, 4-6, 5-8. In a K-12 setting, these items would be prohibited for grades K-8 if the school can split grades 9 and above from grades 8 and below. If the school cannot split these grades, then these items would be prohibited for all K-12 grades. Sale of these items would not be prohibited in 6-8, 6-12, 9-12 settings.

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What is a confection?

Although confections are not specifically defined in the School Food Service Rules, dictionaries define confections as “a food rich in sugar” or “an unusually sweet dish”. Therefore, to determine if the food may be sold, use the criteria established in the rules for total amount of sugar by weight percentage which is equal to or less than 35%.

May organizations conduct fundraising at a participating school by selling beverages and/or foods to students in grades 8 or below?

Fundraising, conducted before or during the regular school day, may occur provided the beverages and/or foods sold to students in grades 8 or below in participating schools adhere to the food and beverage requirements. However, if fundraising is conducted using foods or beverages in the food service area during the meal periods, the rules continue to require all revenue from the sale of any food or beverage to accrue to the nonprofit school lunch program account.

May organizations conduct fundraising at a participating school by selling beverages and/or foods to students in grades 9 and above?

The food and beverage requirements do not apply to schools with students in grades 9 and above. Therefore any food or beverage may be sold to these students for fundraising purposes. However, if fundraising is conducted using foods or beverages in the food service area during the meal periods, the rules continue to require all revenue from the sale of any food or beverage to accrue to the nonprofit school lunch program account.

Are food and beverages given to students as incentives, rewards or treats required to meet the food and beverage requirements?

If an incentive, reward or treat is given to a student, the food and beverage requirements do not apply. The food and beverage requirements only apply to items sold to students in grades 8 or below before and during the regular school day.

Are foods and beverages sold during athletic events and other school functions subject to the food and beverage requirements?

Athletic events and other school functions held after the regular school day are not subject to the food and beverage requirements. The food and beverage requirements only apply to items sold to students in grades 8 or below before or during the regular school day.

Are foods and beverages sold to adults subject to the food and beverage requirements?

Foods and beverages sold to adults in the teachers' lounge, cafeteria, or other school areas are not subject to the food and beverage requirements.

A school provides all day kindergarten students a morning snack. The parents pay annually for such snack. The food and beverages (snack) is served to the students in the classroom but provided by the school food service. Must all of the food and beverage items served as part of the snack meet the food and beverage requirements?

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Yes, the food and beverages served as the morning snack in the classroom has to meet the food and beverage requirements.

Our organization provides a "Fun Pack Lunch" once a month. Can we continue this practice under the revised School Food Service Rules?

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SCENARIO 1: If this "Fun Pack Lunch" is the only meal service provided by the school, it must meet the following criteria:

- a) the meal served must meet the definition of a reimbursable meal*,
- b) if sold in the meal service area during meal periods, the revenue** must accrue to the food service account,
- c) a child eligible for a free meal receives the meal at no cost, a child eligible for reduced-price meal is charged no more than \$.40, and other children pay price set by the school,

- d) any beverages sold outside of the reimbursable meal would need to be one listed in 305.15(a),
- e) if school has classes of 5 and below operating, potato chips, candy nor confections could be sold during meal periods, and
- f) no food of minimal nutritional value could be sold in the meal service area during the meal periods.

SCENARIO 2: If the “Fun Pack Lunch” is served in addition to the school’s reimbursable meal and inside the food service area during meal periods, it must meet the following criteria:

- a) the revenue** goes to the food service account,
- b) any beverages sold would need to be one listed in 305.15(a),
- c) if school has classes of 5 and below operating, potato chips, candy nor confections could be sold during meal periods, and
- d) no food of minimal nutritional value could be sold in the meal service area during the meal periods.

SCENARIO 3: If the “Fun Pack Lunch” is served in addition to the school’s reimbursable meal and outside the food service area, all food and beverage requirements outlined in Section 305.15(a) and (g) of the School Food Service Rules apply - http://www.isbe.net/nutrition/pdf/305_guidance.pdf.

* A reimbursable meal is a meal that meets the federal regulations for a reimbursable meal. Federal regulations require the lunch meal contain a serving in the appropriate size of the following items: meat/meat alternate, bread/grain, two servings of fruits/vegetables, and fluid milk at a minimum. The breakfast meal must contain a serving in the appropriate size of the following items: two servings of meat/meat alternate and/or bread/grain, a serving of fruit/vegetable, and fluid milk at a minimum. Additional information on the meal requirements set forth in the program regulations may be found at http://www.isbe.net/nutrition/htmls/forms_sbn.htm.

** All revenue must accrue to the non-profit school food service account, not just the profit. The non-profit food service account could then reimburse PTO for food and beverage expenses provided they meet the requirements listed above. Be certain to maintain all proper invoices and receipts for foods and beverages purchased (again, provided they meet the requirements above) as they will need to be submitted to the non-profit school food service account. IL Public Accounting Procedures require any public school participating in the National School Lunch Program to have a non-profit school food service account. If you are a non-public school, you must have some accounting mechanism (not necessarily a separate account, but a trail) to show all food service transactions.

The food and beverage requirements address certain nutritional information for foods that may be sold. Where can school personnel find the required nutritional information?

Nutritional information may be found on the Nutrition Facts label for most products packaged for individual sale. If a Nutrition Facts label is not available, contact the vendor to request nutritional information for specific products or visit the manufacturers’ websites to obtain nutritional information online. If the item is a government-donated commodity, product fact sheets are available on the USDA’s website at http://www.fns.usda.gov/fdd/programs/csfp/cfs_csfp.htm . If you cannot obtain nutritional

information for a product, it is not possible to determine if the product meets the food requirements. An alternative food that meets the food requirements should be selected.

How can school personnel determine if products meet the beverage requirements?

The rules allow only certain beverages to be sold to students in grades 8 or below before and during the regular school day. Please refer to question 6 of this guidance document for allowable beverages.

How can school personnel determine if products meet the food requirements?

A worksheet and two samples (see [Appendix D](#)) has been developed to assist school personnel in making the necessary calculations to determine if the food being sold meets the food requirements. An online calculator (<http://www.isbe.net/calculator/calculator.html>) may be used instead of the worksheet to determine if a food meets the Illinois food requirements.

The Nutrition Facts label lists both calories from fat and total fat grams. How should the percentage of calories from fat be calculated?

To determine the percentage of calories from fat, use the calories from fat provided on the Nutrition Facts label. **NOTE:** Calculating calories from fat using the grams of fat provided on a label may yield a different number than provided as calories from fat on the label due to rounding. If the calories from fat are not available, take the total grams of fat and multiply by 9 calories per gram of fat; this will provide the calories from fat.

If the serving size weight is listed in something other than grams, how is the total amount of sugar by weight percentage calculated?

The serving size should be converted to grams using the standard metric conversion provided below:

To Change	To	Multiply By
Ounces (oz)	Grams (g)	28.35
Pounds (lb)	Grams (g)	453.6

For example:

To convert 2.2 ounces (oz) to grams (g), multiply 2.2 by 28.35.

2.2 ounces equals 62.37 grams.

To convert 0.75 pounds (lb) to grams (g), multiply 0.75 by 453.6.

0.75 pounds equals 340.2 grams.

When using the *Worksheet to Determine Foods That May Be Sold* (Appendix D), how are decimals handled?

If the result of a calculation yields a number with decimal places, drop the numbers to two decimal places without rounding. For example, a calculation yields a result of 35.1492678. For purposes of this worksheet, the result would be cut off to 35.14.

Our school has an existing food and beverage contract for vending machines or school stores. What if the terms of the existing contract prevent my school from meeting the food and beverage requirements?

For the 2006–2007 school year ONLY, a participating school may request an exemption from the food and beverage requirements by completing the form titled *Request for Exemption From Food and Beverage Requirements* (ISBE Form 69-10) (see [Appendix E](#)

or online at http://www.isbe.net/nutrition/pdf/69-10_exemption.pdf) and submitting it to ISBE along with a copy of the existing signed and dated contract.

Our school enrolls students in both grades 8 and below and grades 9 and above. What if my school is unable to separate foods and beverages sold to the different age groups?

For the 2006-2007 school year ONLY, a participating school may request an exemption from the food and beverage requirements by completing the form titled *Request for Exemption From Food and Beverage Requirements* (ISBE Form 69-10) (see [Appendix E](#) or online at http://www.isbe.net/nutrition/pdf/69-10_exemption.pdf) and submitting it to ISBE.

Federal regulations require all participating districts have a local wellness policy in place. How do the food and beverage requirements affect our local wellness policy?

One required component of the local wellness policy is nutrition standards. Because the state food and beverage requirements must be followed by participating schools with grades 8 or below, school districts may choose to utilize the state food and beverage requirements as the nutrition standards for their local wellness policy. However, a district may have a local wellness policy with standards that are more restrictive than these requirements. For more information, go to http://www.isbe.net/nutrition/htmls/wellness_policy.htm .

The School Food Service Rules state that ISBE “shall initiate a revision to the food and beverage standards . . . that responds to the statewide nutrition standards recommended by the Illinois School Wellness Policy Task Force.” What is the Illinois School Wellness Policy Task Force? Where can I locate the report on food and beverage standards?

The Illinois School Wellness Policy Task Force is an interagency group that has been charged by the Illinois General Assembly to provide a report on three areas:

- 1) Identification of barriers to implementing school wellness policies and its recommendations to reduce those barriers
- 2) Recommendations on statewide school nutrition standards, and
- 3) Evaluation of the effectiveness of school wellness policies.

For a complete list of the members and their respective agency or organization, visit http://www.isbe.net/nutrition/pdf/school_wellness_members.pdf.

The report of the Illinois School Wellness Policy Task Force will provide recommendations on statewide school nutrition standards that may impact the food and beverage requirements set forth in these rules. The report on the recommendations on statewide school nutrition standards is to be submitted to the General Assembly and Governor by January 2007. Once this report is issued, ISBE will post the report at http://www.isbe.net/nutrition/htmls/wellness_policy.htm.

What happens if a school district or school does not comply with the School Food Service Rules?

To the extent that staff at ISBE learns that a district or school is not in compliance with

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the School Food Service Rules, the State Board reserves the right to take action with respect to the district and/or school's recognition status pursuant to Section 1.20 of Title 23 of the Illinois Administrative Code.

Student Workers (SECTION 305.20)

Section 305.20 addresses requirements for student workers who work in the food service area during meal periods and stipulates that written consent is required from the individual who legally enrolled the student in school. This section also establishes that under no circumstances may an eligible student be required to work for his or her meals.

A student is eligible for reduced-price meals and works in the cafeteria. The school provides the meal free of charge. May the meal be claimed in the free category?

A meal served to a student worker is to be recorded in the category in which the student is determined eligible, in this case the reduced-price category.

May a student eligible for free or reduced-price meals be required to work for such meal?

An eligible student shall not be required to work for his or her meals.

Is parental/guardian consent required for a student to work in the food service area?

If the student wishes to work in the food service area, all public schools or any participating non-public schools are required to have written consent from the parent/guardian of the student, regardless of the student's eligibility.

Government-Donated Commodities (SECTION 305.30)

Section 305.30 sets forth procedures governing the acceptance by participating schools of government-donated commodities through the USDA's Food Distribution Program.

How do I locate a listing of food suppliers approved in Illinois to process government-donated commodities?

The listing of approved food suppliers is available on the Illinois Commodity System which may be accessed by clicking *Food Distribution Program* from the Nutrition Programs website at <http://www.isbe.net/nutrition/>.

Does ISBE have any guidance related to the storage and appropriate uses of government-donated commodities?

The USDA sets forth guidelines specific to the storage and usage of government-donated commodities. These requirements are outlined in the *Food Distribution Program Handbook*, available at http://www.isbe.net/nutrition/pdf/commodity_handbook.pdf.

What should be done if a government-donated commodity is lost or spoiled and cannot be used as required?

Commodity losses must be documented. School food authorities (SFAs) that operate their own programs are required to document lost or spoiled commodities using the same procedures currently in place for reporting the loss of purchased products. SFAs are not required to report commodity losses to ISBE but should document those losses in their inventory records.

As a participating school, I need to file a complaint with ISBE regarding food safety or quality issues regarding government-donated commodities. Where can I access the required form?

The required complaint form located at http://www.isbe.net/nutrition/word/complaint_form.doc, should be completed and faxed to Food Distribution Program staff at 217-782-4550.