

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER i: FOOD PROGRAMS

PART 305
SCHOOL FOOD SERVICE

Section

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AUTHORITY: Implementing and authorized by the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.), Child Nutrition Act of 1966 (42 USC 1771 et seq.), and the School Breakfast and Lunch Program Act [105 ILCS 125].

SOURCE: Peremptory rule adopted at 2 Ill. Reg. 45, p. 83, effective October 25, 1978; codified at 7 Ill. Reg. 14743; amended at 30 Ill. Reg. 17475, effective October 17, 2006; amended at 32 Ill. Reg. 17603, effective October 23, 2008.

Section 305.5 Definitions

“Eligible student” means a student eligible for free or reduced price meals under the School Breakfast Program (42 USC 1771 et seq.) and/or the National School Lunch Program (42 USC 1751 et seq.) in accordance with federal regulations found at 7 CFR 245.3 (2008).

“Food service area” means any area on school premises where reimbursable meals are served and/or eaten.

“Meal period” means the period of time during which breakfast or lunch is regularly served and the time scheduled for the students to eat the meal.

“Participating school” means any public or nonpublic school that participates in the School Breakfast Program or the National School Lunch Program.

“Reimbursable meal” means a meal meeting the definition of a “federal reimbursable meal”, as set forth in regulations governing the School Breakfast Program (7 CFR 220.8 (2008)) or the National School Lunch Program (7 CFR 210.10 (2008)).

(Source: Amended at 32 Ill. Reg. 17603, effective October 23, 2008)

Section 305.10 Illinois Free Lunch and Breakfast Programs

- a) In accordance with Section 4 of the School Breakfast and Lunch Program Act [105 ILCS 125/4], every public school shall provide free lunches to students eligible to receive free meals in accordance with 7 CFR 245.3 (2008).
- b) Every public school that offers a free breakfast program as defined in 105 ILCS 125/1 shall provide free breakfasts to students eligible to receive free meals in accordance with 7 CFR 245.3 (2008).
- c) Every public school, at the beginning of each school year, must publicly announce the availability of free lunches and, as applicable, free breakfasts. This public notice may be published in a newspaper of general circulation for the school district, made available on the school district's website, provided in a school newsletter, or included with registration materials. The notice shall at least include the criteria used to determine eligibility for free meals, the process for applying for a free meal, and the name and telephone number of a contact person for the program. Copies of the notice also shall be made available upon request to any interested person.
- d) Public and nonpublic schools may claim State reimbursement for each reimbursable meal provided to students eligible to receive free meals in accordance with 7 CFR 245.3 (2008).
- e) An accurate record of the actual number of free breakfasts and lunches served to children each day must be maintained.

(Source: Amended at 32 Ill. Reg. 17603, effective October 23, 2008)

Section 305.15 Sale of Foods and Beverages in Participating Schools

- a) Each participating school shall adhere to the following requirements for the sale of foods and beverages to students in grade 8 or below before school and during the regular school day.
 - 1) Beverages sold to students shall include only:
 - A) 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;
 - B) reduced fat and enriched alternative dairy beverages (i.e., rice, nut, or soy milk, or any other alternative dairy beverage approved by the U.S. Department of Agriculture (USDA));
 - C) fruit and vegetable drinks containing 50 percent or more fruit or vegetable juice;
 - D) water (non-flavored, non-sweetened, and non-carbonated);
 - E) 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
 - F) any beverage exempted from the USDA's list of Foods of Minimal Nutritional Value (see 7 CFR 210.11(a)(2) and 220.2(i-1) (2008)). The State Board of Education shall notify participating schools of these exemptions in January of each year; updates to the exemption list shall be provided within 10 calendar days after the State Board receives notification of any updates from USDA.
 - 2) Food sold to students outside of food service areas or within food service areas other than during meal periods shall include only:
 - A) nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruits or non-fried vegetables, or low-fat yogurt products; or
 - B) any food item whose:
 - i) total calories from fat do not exceed 35 percent;

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- ii) total calories from saturated fat do not exceed 10 percent;
 - iii) total amount of sugar by weight does not exceed 35 percent; and
 - iv) calories do not exceed 200.
- b) None of the requirements of subsection (a) of this Section shall apply to any food or beverage item sold to students as part of a reimbursable meal or to foods sold within food service areas during meal periods.
- c) None of the requirements of subsection (a) of this Section shall apply to any food or beverage item sold to a student who presents a written recommendation for that food or beverage item signed by a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches.
- d) If a participating school serves students in both grades 8 and below and students in grades 9 and above, then the participating school shall ensure that food and beverage sales to students in grades 8 and below meet the requirements of this Section.
- e) All revenue from the sale of any food or beverage sold in competition with the School Breakfast Program or National School Lunch Program to students in the food service areas during the meal period shall accrue to the nonprofit school lunch program account.
- f) Any participating schools in which classes of grades 5 and below are operating shall prohibit the sale to students of all confections, candy and potato chips during meal periods.

(Source: Amended at 32 Ill. Reg. 17603, effective October 23, 2008)

Section 305.20 Student Workers

- a) In order for a student to work in the food service area, any public school or any nonpublic school participating in the National School Lunch Program shall obtain written consent from the individual who legally enrolled the student, whether it be the parent, guardian or other individual.
- b) An eligible student shall not be required to work for his or her meals.
- c) A lunch or breakfast served to a student worker cannot be claimed for reimbursement as a free or reduced-price meal unless the student is an eligible student.
- d) A meal served to a student worker is to be recorded in the eligibility category for which the student would qualify if not working.

(Source: Added at 30 Ill. Reg. 17475, effective October 17, 2006)

Section 305.30 Government-Donated Commodities

- a) Any agreement or contract to process government-donated commodities between an eligible receiving agency (school district or institution) and a food supplier or management firm not listed on the electronic Illinois Commodity System must be submitted for approval to the Illinois State Board of Education.
- b) Proper storage facilities must be provided for government-donated food commodities. Such storage facilities shall meet the requirements set forth in federal regulations governing the storage and use of commodities in child nutrition programs (7 CFR 250 (2006)).
- c) Government-donated commodities shall not be stored at private residences or facilities, unless the facility is operated and designed for the storage or refrigeration of food, and the facility meets the requirements of subsection (b) of this Section.
- d) Government-donated commodities shall be ordered in amounts that can be adequately stored without loss or spoilage.
- e) Complaints from participating schools or agencies authorized to receive government-donated commodities about food safety and other food-quality issues concerning those commodities shall be reported to the State Board of Education on the form provided for that purpose.

(Source: Amended at 30 Ill. Reg. 17475, effective October 17, 2006)