

Elementary Lunch FAQ

Updated August, 2019

In January 2019, the District announced that PTA lunch would be discontinued beginning with the start of the 2019-20 school year. The announcement was made early in order to allow parents and PTA leaders adequate time to plan for the fall.

The decision was made for several reasons related to new laws and guidance and to minimize the risks involved with lunch service:

- New York State amended Education Law 908 to address the issue of students who cannot afford lunch being treated differently from other students. The legislation creates a number of new requirements for school districts to meet.
- The District has contracted with a new insurance provider who has expressed significant reservations with the program.
- The NYS PTA has updated its guidance on this practice and states "...it is our recommendation that elementary school lunch programs provided by PTAs be discontinued." (NYS Congress of Parents and Teachers, Inc., 2017 NYS PTA Resource Guide - Finance. P. 25)

To assist in answering the many questions parents and PTA unit leaders will have about this transition, we have prepared the following FAQ.

Food Quality and Safety

The quality of food from school district food service providers typically isn't good, can the District work with the vendor to improve quality?

How much of the food choices are frozen or processed?

How will the vendor work to improve the quality and variety of items that will be served at elementary lunches?

- Content of school meals is governed by the Healthy and Hunger Free Schools Act. (<https://www.fns.usda.gov/school-meals/nutrition-standards-school-meals>).
 - Meals are prepared within strict guidelines for caloric content; amounts of trans-fat, saturated fat, and sodium; whole grain content; servings of fruits, legumes, and leafy vegetables; and fat content of milk.
 - Vendors must develop menus that comply with these guidelines that include both daily and weekly totals and allowances.
- The District currently hosts a nutrition advisory committee comprised of the Assistant Superintendent for Business, Teachers, School Nurse, PTA representatives, and students. This committee will be expanded to include elementary parents in the fall of 2019. Additionally, the food service provider meets with members of the secondary school's student governments to discuss the food service program.

- In August, 2019, the food service provider prepared a sampling of menu items for a group of parents to taste and provide feedback on, and discussed menu planning, nutrition awareness, allergy/health concerns and the purchasing process.

How much of the food choices are frozen or processed?

- The District worked closely with consultants to outline very specific and high quality requirements for the food service program. Aramark will be using very little processed product. Fresh-baked breads and bagels will be delivered daily, along with a large variety of fresh fruits and vegetables.

How is the food transported to the elementary schools?

- All meals are transported in cambro food cabinets to keep food warm or chilled. All food is temperature-controlled for food safety standards at all times.

How are allergens handled?

- Interactive menus are posted online that provide all ingredients and highlight potential allergens. Upon entering their code at the register, student allergen information, if applicable, will pop up on-screen to alert the food service worker.

Food Service Contracting

What food service companies do other districts use?

- There are three major vendors who perform school lunch in the Long Island region: Aramark, Whitsons, and Chartwells.
- The District just completed a bidding process and awarded the bid to Aramark.

Do other districts have a PTA-sponsored lunch program?

- The practice of PTA-sponsored lunch programs has dwindled dramatically over the past few years due to liability concerns. Another Nassau district recently discontinued its PTA lunch program. To our knowledge that left only one remaining District (other than Syosset) with a lunch program operated by the PTA.

Can local vendors have a contract for food service directly with the District?

- Any vendor contracting for food service with the district would have to be selected through a competitive procurement process and would have to comply with all Federal School Lunch regulations, including those regarding food ingredients.

Can a local vendor or Uber Eats, Doordash etc. make deliveries of lunch to elementary schools?

- There will be no deliveries of food from local vendors or food delivery services (such as Uber Eats, Doordash, etc.) accepted at the schools. This decision was based primarily

on security concerns, as well as regulatory requirements and liability matters. Parents are welcome to drop off lunch for their own children.

Will the PTA still offer Ralphs Ices, ice cream or frozen yogurt days? If no, why not?

- No food can be sold to students by a not for profit group during the school day without incurring significant liability.

Will the PTA still do special lunches for Field Days or other celebrations? Can the PTA offer lunch once a month or with a lower frequency than daily?

- PTA guidance states that “occasional activities are permitted, not a recurring activity with the frequency and numbers served as with the lunch programs” though these events cannot be fundraisers and the PTA cannot charge for food.

Can the PTA sell food at a one-time school event if the food isn't to be consumed during the school day? (For example, selling pies or bags of apples at the Fall Harvest Sale if the kids bring home the food?)

- The PTA cannot charge for food during the school day. NYS DOE does not allow exemptions for fundraisers. Food may be sold at events and/or fundraisers taking place after school hours.

Did you really eliminate the PTA lunch program because of changes in laws and insurance or is this just to support a food service vendor contract?

- The decision was based on regulatory requirements and liability concerns. See Detailed Explanations Liability section.

Can I still drop off food for my child?

- Individual parents may still drop off food for their children.

Can I drop off food for my child's friends?

- No. If a child does not have a lunch, the District food service vendor will provide a lunch and the parent/guardian will be billed.

Will you build working cafeterias in the elementary schools?

- Building working cafeterias is something that will be discussed as capital work in the district. However, the District has been installing new equipment in the elementary schools including serving lines, food warmers, refrigerators and sinks.

How long have you known about this change?

- The new state law took effect in September, 2018.
- In the fall of 2018, working with a consultant, the District prepared and awarded a bid for a new insurance company. The Board accepted the bid at the December, 2018 meeting. After review of District practices, the insurance company brought significant

liability concerns to the attention of the District. The District conducted a full review of Federal laws and PTA regulations and communicated this decision on January 15, 2019.

Why weren't parents or PTA presidents consulted before the change was announced?

- This decision was necessary to put the District into compliance with Federal Law and PTA Guidance stated in the New York State PTA Resource Guide. It is the responsibility of District Administration to certify adherence to law.

Detailed Explanations of Issues with the Existing Program

What is the Food Shaming law and why does it apply to PTA lunches?

The Regulations can be found here:

<https://www.regents.nysed.gov/common/regents/files/918p12a2.pdf>.

- The 2018-2019 Executive Budget amended New York State Education Law 908 as added by Section 2 of Part B of Chapter 56 of the laws of 2018 Prohibition Against Meal Shaming. Beginning with school year 2018-2019, all public, non-public and charter school food authorities (SFAs) that require students to pay for a school breakfast and/or lunch meal must develop a written plan to ensure that a student whose parent or guardian has unpaid meal charges is not shamed or treated differently than a pupil whose parent or guardian does not have unpaid school meal charges. Therefore, the District must institute a formal plan for ensuring access to daily nutrition for all students. On PTA lunch days, there is no District alternative, so PTA lunch would have to be incorporated into the plan.
- The Syosset PTA units have been extraordinarily generous with subsidizing lunches for students who cannot afford them. However, structuring a plan for doing so going forward that complies with this law is not possible:
 - Privacy - The District must comply with student and family privacy regulations under FERPA (the Federal Family Educational Rights and Privacy Act). Among other considerations, the District must keep a students' free lunch eligibility status private.
 - HHFSA Compliance -- The District may not directly purchase food for student consumption that does not comply with the Healthy and Hunger Free Schools Act (and thus may not pay the PTA's vendor directly);
 - Gift of Funds -- The District cannot make a gift of public funds (and pay for the student's meal directly); and it cannot share with PTA which students would be eligible (because of FERPA).

The PTA is a not-for-profit. Why is the lunch revenue an issue when the profits are put back into PTA programming?

(The answers below are taken from NYS PTA Guidance documents. See: <https://nyspta.org/wp-content/uploads/2017/08/RG-05A-Finance.pdf> p.25.)

- Significant Tax Liability -- The NYS PTA's analysis of tax law indicates that this revenue would likely be considered "unrelated business income" which is subject to IRS regulations and taxation. *"To be exempt from UBIT (unrelated business income tax), volunteers' work must carry out the "material work" of the program or activity. However, with the lunch programs, local vendors are doing the more significant, the "material" portion of work, preparing and cooking food. Arranging menus and serving would not likely be viewed by the IRS as material work, therefore negating any prior assumption that the program qualifies for the volunteer exemption."*
- Potential Loss of Non-Profit Status -- The Syosset PTA incurs significant risk should this income be audited by the IRS with the potential consequence of the loss of Not-for-Profit status. NYS PTA Guidance states *"a PTA unit sponsoring a school lunch program on a regular basis, runs the risk for the units to be cited by the IRS for unrelated business income and open to unrelated business income tax.... In addition to insurance problems, PTA's could find themselves acting as employers and being responsible for income taxes, workman's compensation, disability, and all the other legal concerns with which employers must deal."*
- Liability -- The NYS PTA is concerned with assuming liability for food that is prepared without oversight: *"with food being prepared off-premises and volunteers not involved in preparation, assurances to avoid specific allergy-inducing foods by vendors is not monitored by PTA. Under either of these circumstances the unit may be creating a greater risk for the program or activity."*

Smoothing the Transition

Can I still come in to volunteer at lunch? Can I come to volunteer more in another way? Is this change really about keeping parents out of the school during the school day?

- The District is in active conversation with school principals on options for volunteer activities for parents. The following volunteer opportunities have been identified:
 - Public Relations person for grade levels inclusive of photography for special events
 - Guest Readers
 - Picture Day Assistants
 - PRIDE events
 - Holiday Boutique
 - Book Fairs
 - Plant Sale
 - 5th Grade Activities
 - Support for Curriculum Enrichment Programs
 - Volunteer at various school wide events

- Beautification Committee – for outside and outside the building

How will the PTA be able to keep their programming intact when this revenue is gone?

- The District has increased its contribution to Cultural Arts in each building as a way to offset this loss of revenue.

How do you order lunch from the District food service provider?

- Detailed instructions on the elementary lunch program will be provided to parents before the beginning of the school year.