

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM: **April 2016**

CONSIDERATION OF A NOTICE OF PROPOSED RULEMAKING TO AMEND
5 CSR 30-680.050 DETERMINING ELIGIBILITY FOR FREE AND REDUCED
PRICE MEALS AND MILK IN SCHOOLS

STATUTORY AUTHORITY:

Sections 161.092 and 178.430, RSMo

Consent
Item

Action
Item

Report
Item

DEPARTMENT GOAL NO. 4:

The Missouri Department of Elementary and Secondary Education will improve departmental efficiency the operational effectiveness.

SUMMARY:

Rule 5 CSR 30-680.050 details state and local responsibilities as outlined in 7 CFR Part 245 – Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools. Specifically, 7 CFR Part 245.9 “Special assistance certification and reimbursement alternatives” outlines eligibility requirements and procedures for implementing alternative provisions to the normal requirements for annual determination of eligibility for free and reduced price school meals and daily counts by type (free, reduced and paid meals) at the point of service. As a result of the alternative provisions in 7 CFR Part 245, the Department of Elementary and Secondary Education (DESE) is proposing to amend the current rule.

PRESENTERS:

Ron Lankford, Deputy Commissioner, Financial and Administrative Services and Karen Wooton, Coordinator, Food and Nutrition Services, will assist in the presentation and discussion of this agenda item.

RECOMMENDATION:

The Department recommends that the State Board of Education authorize the publication of a notice of proposed rulemaking to amend rule 5 CSR 30-680.050 Determining Eligibility for Free and Reduced Price Meals and Milk in Schools in the *Missouri Register* and that the State Board finds this amendment necessary to carry out the purposes of Sections 161.092 and 178.430, RSMo.

Title 5 – DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30 – Division of Financial and Administrative Services
Chapter 680 – [School Food Services] Food and Nutrition Services

PROPOSED AMENDMENT

5 CSR 30-680.050 Determining Eligibility for Free and Reduced Price Meals and Milk in Schools. The state board is proposing to amend the purpose, section (1), and add section (2).

PURPOSE: This amendment is to assure that school districts electing to participate in the United States Department of Agriculture (USDA) Community Eligibility Option or other Special Provision Options to include Provision 1, Provision 2, and Provision 3 are able to include students in the threshold calculation for free and reduced lunch as set forth in sections 163.011(6) and 163.011(7), RSMo.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

- (1)** This rule details state and local responsibilities, as outlined in 7 CFR part 245, which are used to determine eligibility and establish procedures for extending free and reduced price meals and free milk to eligible children from economically needy families. Specific areas in this rule include eligibility standards, public announcements, applications, hearing procedures, and nondiscrimination practices. ***The Code of Federal Regulations, which is incorporated by reference and made a part of this rule as published by the Office of the Federal Register, Office of Administration, is available by contacting the U.S. Government Publishing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001.***
- (2)** This rule enables the Department of Elementary and Secondary Education to calculate students in districts that elect other Special Provision Options to include Provision 1, Provision 2, and Provision 3 in the same manner as is used for the USDA Community Eligibility Option as stated in section 163.011(6), RSMo.

AUTHORITY: section 161.092, RSMo Supp. 2015 and 178.430, RSMo 2000. This rule was previously filed as 5 CSR 40-680.050. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Amended: Filed July 13, 1976, effective Nov. 1, 1976. Amended: Filed Aug. 9, 1976, effective Dec. 1, 1976. Amended: Filed June 21, 1977, effective Oct. 17, 1977. Amended: Filed Jan. 31, 1979, effective May 14, 1979. Amended: Filed July 13, 1979, effective Oct. 12, 1979. Amended: Filed Aug. 16, 1979, effective Nov. 12, 1979. Amended: Filed Nov. 17, 1980, effective March 16, 1981. Amended: Filed Nov. 6, 1981, effective Feb. 15, 1982. Amended: Filed April 26, 1982, effective Aug. 13, 1982. Amended: Filed June 7, 1983, effective Sept. 12, 1983. Amended: Filed July 10, 1984, effective Oct. 15, 1984. Amended: Filed July 1, 1987, effective Sept. 24, 1987. Amended: Filed May 23, 1990, effective Sept. 28, 1990. Amended: Filed Oct. 23, 1991, effective March 9, 1992.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Karen Wooton, Food and Nutrition Services, Division of Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102-0480, or by email to webreplyadmfo@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*