

R277. Education, Administration.

R277-727. School Meals Program.

R277-727-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53E-3-510, ~~[which allows the Board to control how meals program revenue may be disbursed, transferred, or drawn upon.]~~which authorizes the Board to administer the school meals program and apportion school meals program revenues;
and

(d) Section 53F-2-423, which requires the Board to reimburse LEAs for eligible reduced-price lunches and administer the state reduced-price lunch reimbursement program.

(2) The purpose of this rule is to:

(a) ~~[define school meals programs]~~establish procedures for administering and apportioning school meals program revenues under Section 53E-3-510; and

(b) ~~[outline how the school meals program revenue may be distributed.]~~establish procedures for administering the state reduced-price lunch reimbursement program under Section 53F-2-423

(c) clarify LEA responsibilities related to implementation of school meals requirements; and

(d) establish monitoring and reporting requirements necessary to administer the program.

R277-727-2. Definitions.

(1) "Eligible LEA" means a school district or charter school participating in the National School Lunch Program that is eligible to receive reimbursement under Section 53F-2-423.

(2) "Eligible student" means a student enrolled in kindergarten through grade 12 who qualifies for reduced-price meals under the National School Lunch Program.

~~[(4)]~~(3) "Federal child nutrition laws" means the Richard B. Russell National School Lunch Act, 79 P.L. 396, 60 Stat. 230, and the Child Nutrition Act of 1966, 89 P.L. 642, 80 Stat. 885.

(4) "Meal debt" means unpaid charges owed to an LEA for school meals. Meal debt includes delinquent debt while collection efforts are ongoing and may become bad debt if determined to be uncollectable in accordance with applicable federal requirements.

(5) "National School Lunch Program" means the same as defined in 7 C.F.R. 210.2.

(6) "Reimbursable lunch" means a lunch that meets USDA reimbursement requirements under the National School Lunch Program.

~~[(2)]~~(7) "School meals program" means~~[a program that meets the requirements in 7 CFR 210, 220, or 225.]~~a program that operates in accordance with the requirements of 7 C.F.R. Parts 210, 220, or 225.

R277-727-3. School Meals Program Reimbursement.

(1) The Superintendent shall administer school meals program revenues in accordance with Section 53E-3-510.

(2) The Superintendent shall establish procedures for apportioning and distributing school meals program revenues to LEAs in accordance with Section 53E-3-510.

(3) The Superintendent may establish reporting, documentation, and verification procedures necessary to administer the school meals program and comply with applicable state and federal requirements.

57 (4) The Superintendent may monitor LEA participation and reimbursement
58 requests to ensure compliance with applicable law.

59 ~~[(1)]~~(5) An LEA shall receive a state reimbursement for each meal served
60 pursuant to a school meals program through a state reimbursement rate established by
61 the Superintendent.

62 ~~[(2)]~~(6) The Superintendent shall determine the state reimbursement rate by
63 considering:

- 64 (a) the previous year's state reimbursement rate;
65 (b) statewide participation rates in school meals programs;
66 (c) the amount of state liquor tax revenues collected pursuant to Subsection
67 32B-2-304(4); and
68 (d) additional considerations established by the Board.

69 ~~[(3)]~~(7) The Superintendent shall establish at least twice a year a flat rate per
70 reimbursable meal served pursuant to a school meals program.

71 ~~[(4)]~~(8) The Superintendent may establish an additional reimbursement rate if
72 there is incremental state liquor tax revenue collected compared to the total collected
73 amount in fiscal year 2021.

74 ~~[(5)]~~(9) An LEA may receive an additional state reimbursement amount per
75 reimbursable meal served if the LEA has established school meals programs
76 enhancements including:

- 77 (a) increased meal quality;
78 (b) innovative meal access;
79 (c) locally purchased products; or
80 (d) improved meal presentation.

81 ~~[(6)]~~(10) The Superintendent shall establish:

- 82 (a) the qualifying criteria for an additional state reimbursement described in
83 Subsection ~~[(4)]~~(8); and
84 (b) appropriate monitoring procedures in accordance with Federal child nutrition
85 laws.

86 ~~[(7)]~~(11) The Superintendent shall establish the additional state reimbursement
87 rate by considering:

- 88 (a) the previous year's additional state reimbursement rate;
- 89 (b) participation rates of school meals programs for LEAs with school meals
90 programs enhancements;
- 91 (c) the amount of incremental state liquor tax revenues collected to be set aside;
92 and
- 93 (d) additional considerations established by the Board.

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95 **R277-727-4. LEA Responsibilities.**

96 (1) An eligible LEA shall provide a reimbursable lunch at no charge to an eligible
97 student as required by Section 53F-2-423.

98 (2) An eligible LEA seeking reimbursement shall submit information and
99 supporting documentation in the form and manner established by the Superintendent.

100 (3) An eligible LEA shall maintain records sufficient to support reimbursement
101 requests and demonstrate compliance with applicable state and federal requirements.

102 (4) An eligible LEA shall direct communications regarding a student's meal debt
103 only to the student's parent or guardian, consistent with Section 53F-2-423.

104 (5) An LEA shall ensure that meal service practices do not publicly identify,
105 stigmatize, or place responsibility on a student for resolving meal debt.

106 (6) Nothing in this rule prohibits school personnel from responding to a student's
107 request for information regarding the student's own meal account, provided the
108 communication:

- 109 (a) is initiated by the student;
- 110 (b) is conducted privately and respectfully; and
- 111 (c) is not used to collect meal debt from the student.

112 (7) An eligible LEA shall maintain a written meal charge policy consistent with
113 applicable
114 federal requirements.

(8) An LEA shall consider appropriate food waste reduction measures, consistent with Subsection 53F-2-423(6).

R277-727-5. Reduced-Price Lunch Reimbursement.

(1) Subject to legislative appropriations, the Superintendent shall provide reimbursement to eligible LEAs in accordance with Section 53F-2-423.

(2) The Superintendent shall establish reimbursement procedures consistent with state law.

(3) If appropriated funds are insufficient to fully reimburse participating LEAs, reimbursements shall be distributed in accordance with Section 53F-2-423.

R277-727-6. Monitoring.

(1) The Superintendent may review reimbursement documentation submitted by an LEA.

(2) An LEA shall provide documentation requested by the Superintendent to verify reimbursement claims.

(3) If reimbursement funds are distributed in error, the Superintendent may recover those funds in accordance with applicable state and federal law.

KEY: school meals, child nutrition, reimbursement

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-510, 53F-2-423