

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

The Governing Board intends that, ~~insofar as possible~~, school food services shall be a self-supporting, nonprofit program. To ensure program quality and increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of food and supplies, the planning of menus, and the auditing of all food service accounts for the District.

The Superintendent or designee shall ensure that ~~all~~ food service ~~director(s) personnel~~ possess ~~the appropriate qualifications required by 7 CFR 210.30 and California Department of Education (CDE) standards.~~ ~~and receive ongoing professional development related to the effective management and implementation of the District's food services program.~~

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by the California Department of Education (CDE). (42 USC 1776)

**Meal Sales**

~~Any student who requests a meal shall be served a nutritionally adequate breakfast and lunch free of charge, each school day. (Education Code 49501.5)~~

~~As permitted by law, additional or second meals, adult meals, and other nonprogram foods, such as smart snack compliant food and beverages sold in vending machines, may be sold to students. (Education Code 38082, 49501.5)~~

~~Meals may be sold to district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)~~

~~In addition, meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are authorized by the Superintendent or designee to be on campus. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.~~

~~Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760.~~

~~The Superintendent or designee shall establish strategies and procedures for the collection of meal payments. Such procedures shall conform with 2 CFR 200.426 and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.~~

~~Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)~~

~~In addition, meals may also be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals who are on campus for a legitimate purpose. Any meals served to nonstudents~~

shall not be subsidized by federal or state reimbursements, food service revenues, or U. S. Department of Agriculture (USDA) foods.

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760. Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy and administrative regulation.

*(cf. 3553—Free and Reduced Price Meals)*

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments, and shall clearly communicate these procedures and related district policies to students and parents/guardians. **Such procedures shall conform with 2 CFR 200.426 and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.** The procedures adopted by the Superintendent or designee shall conform with 2 CFR 200.426 and any applicable CDE guidance, and shall not overtly identify students with unrecovered or delinquent debt or treat them differently than other students. *Such procedures shall conform with BP/AR 3553, Free and Reduced Price Meals, 2 CFR 200.426, and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to student and parents/guardians, and shall make this policy and accompanying administration regulation available to the public pursuant to Education Code 49558.5.*

*The Superintendent or designee shall ensure that a student whose parent/guardian has unpaid school meal fees or a student who is enrolled in the free or reduced-price meal program is not overtly identified by the use of special tokens, tickets, or other means and is not shamed, treated differently, or served a meal that differs from the meal served to other students. (Education Code 49557, 49557.5))*

### **Cafeteria Fund and Account**

The Superintendent or designee shall establish a cafeteria fund independent of the District's general fund.

~~The wages, salaries and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)~~

The Superintendent or designee shall ensure that state and federal funds provided through school meal program are allocated only for purposes related to the operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law. ~~Program financial reports shall be presented regularly to the Board~~

**OPTION 1:** ~~The wages, salaries, and benefits of food service employees shall be paid from the district's general fund. At any time, the Board may order reimbursement from the district's cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)~~

**OPTION 1 ENDS HERE**

**OPTION 2:** **The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)**

**OPTION 2 ENDS HERE**

## Contracts with Outside Services

With Board approval, the District may enter into a contract for food service consulting services or food service management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

## Procurement of Food, Equipment, and Supplies

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. Domestic commodity or product means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonable **available** quantities of a satisfactory quality, or when competitive bids reveal the costs of a United States product are significantly higher than the nondomestic product. In such cases, the Superintendent or designee shall retain documentation justifying the exception.

Furthermore, the district shall accept a bid or price for an agricultural product grown in California before accepting a bid or price for an agricultural product grown outside of the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid or price of a product produced outside the state. (Food and Agriculture Code 58595)

Bid solicitations and awards for purchases of equipment, materials or supplies in support of the district's child nutrition program, or for contracts awarded pursuant to Public Contract Code 2000, shall be consistent with the federal procurement standards in 2 CFR.318-220.236. Awards shall be let to the most responsive and responsible party. Price shall be the primary consideration, but not the only determining factor, in making such an award. (Public Contract Code 20111).

## Program Monitoring and Evaluation

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by the CDE to ensure compliance of the District's food service program with federal requirements. ~~related to maintenance of the nonprofit school food service account, paid lunch equity, revenue from nonprogram goods, indirect costs, and USDA foods.~~

### *Legal Reference:*

#### *EDUCATION CODE*

*38080-38086 Cafeteria, establishment and use*

*38090-38095 Cafeterias, funds and accounts*

*38100-38103 Cafeterias, allocation of charges*

*42646 Alternate payroll procedure*

*45103.5 Contracts for management consulting services; restrictions*

49490-49493 *School breakfast and lunch programs*  
49500-49505 *School meals*  
49554 *Contract for services*  
HEALTH AND SAFETY CODE  
113700-114437 *California Retail Food Code*  
CODE OF REGULATIONS, TITLE 5  
15550-15565 *School lunch and breakfast programs*  
UNITED STATES CODE, TITLE 42  
1751-1769j *School lunch programs*  
1771-1791 *Child nutrition, including:*  
1773 *School breakfast program*  
CODE OF FEDERAL REGULATIONS, TITLE 2  
225 *Cost Principles for State, Local, and Indian Tribal Governments*  
CODE OF FEDERAL REGULATIONS, TITLE 7  
210.1-210.31 *National School Lunch Program*  
220.1-220.21 *National School Breakfast Program*  
250.1-250.70 *USDA foods*