

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

The Board of Education 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 foods and supplies, the planning of menus, and the auditing of all food service accounts for the **district**.

*(cf. 3100 – Budget)*

*(cf. 3300 – Expenditures and Purchases) (cf. 3311 – Bids)*

*(cf. 3550 – Food Service/Child Nutrition Program) (cf. 3552 – Summer Meal Program)*

*(cf. 5030 – Student Wellness)*

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

*(cf. 4231 – Staff Development) (cf. 4331 – Staff Development)*

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

**Meal Sales**

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 be sold to ~~other individuals and organizations that are on campus during meal times for a legitimate purpose, such as classroom volunteers, parents/guardians or student's siblings.~~ **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 ~~recommend meal prices~~ **be** based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760. ~~for students and nonstudents for approval by the Board.~~ Students who are enrolled in the free or reduced-price meal programs 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)*

~~Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture foods.~~

## **FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments. 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 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 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 denied a meal of the student's choice. (Education Code 49557, 49557.5)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 0415 - Equity)*

### **Cafeteria Fund**

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 programs are allocated only for purposes related to the operation or improvement of food services are reasonable and necessary indirect program costs as allowed by law. ~~Program financial reports shall be presented regularly to the Board.~~

*(cf. 3230 - Federal Grant Funds)*

*(cf. 3400 – Management of District Assets/Accounts)*

*(cf. 3460 – Financial Reports and Accountability)*

### **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)

*(cf. 3312 – Contracts)*

*(cf. 3600 – Consultants)*

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)****Procurement of Foods, 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 reasonably 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 use of 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 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 200.318-200.326. 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 CDE to ensure compliance of the district's food service program with federal requirements.

(cf. 3555 - Nutrition Program Compliance)

*Legal References:***EDUCATION CODE**

38080-38086 Cafeterias, 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

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

*49550-49564.5 Meals for needy students, especially:*

*49550.5 Universal breakfast*

*49554 – Contract for Services*

*49580-49581 – Food recovery program*

**FOOD AND AGRICULTURE CODE**

*58595 Preference for California-grown agricultural products*

**HEALTH AND SAFETY CODE**

*113700-114437 California Retail Food Code*

**PUBLIC CONTRACT CODE**

*2000-2002 Responsive bidders*

*20111 Contracts*

**CODE OF REGULATIONS, TITLE 5**

*15550-15565 School lunch and breakfast programs*

**UNITED STATES CODE, TITLE 42**

*1751-1769j School lunch programs 1771-1794 3 Child nutrition, including:*

*1773 School breakfast program*

~~**CODE OF FEDERAL REGULATIONS, TITLE 4**~~

~~*255 Cost Principles for State, Local, and Indian Tribal Governments*~~

**CODE OF FEDERAL REGULATIONS, TITLE 2**

*200.56 Indirect costs, definition*

*200.317-200.326 Procurement standards*

*200.400-200.475 Cost principals*

*200 Appendix VII Indirect cost proposals*

**CODE OF FEDERAL REGULATIONS, TITLE 7**

*210.1-210.34 3 National School Lunch Program 220.1-220.24 2 National School Breakfast Program*

*245.8 Nondiscrimination practices for students eligible for free and reduced price meals and free milk*

*250.1-250.70 USDA foods*

*Management Resources:*

~~**CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS**~~

~~*USDA FDP-02-2010 Storage and Inventory Management of United States Department of Agriculture (USDA) Donated Foods, August 2010*~~

~~*USDA SNP-01-2008 Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs; and the Handling of Unpaid Meal Charges, February 2008*~~

~~*00-111 Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, July 2000*~~

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*California School Accounting Manual*

~~*School Food*~~ *Food Distribution Program Administrative Manual*

*Paid Lunch Equity Requirement and Calculation Tool-Updated Guidance for School Year 2019-20,*

*NSD Management Bulletin, SNP-11-2019, May 2019*

*Professional Standards in the SNP and New Hiring Flexibility, NSD Management Bulletin,*

*SNP-10-2019, April 2019*

*Senate Bill 250: Child Hunger Prevention and Fair Treatment Act of 2017 and USDA Meal*

*Charge Policy Requirements, NSD Management Bulletin, SNP-05-2018, January 2018*

*Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD*

*Management Bulletin, FDP-01-2018, January 2018*

*Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent*

*Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-03-2017, April 2017*

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

*Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015, January 2015*

*Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-07-2013, May 2013*

*Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, 00-111, July 2000*

**U.S. DEPARTMENT OF ~~EDUCATION~~ GUIDANCE AGRICULTURE PUBLICATIONS**

**FAQs About School Meals**

*School Meals – FAQs*

*Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 38-2017, June 2017*

*Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, SP 29-2017, May 2017*

*Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017*

*Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016*

*Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016*

*Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014*

**WEB SITES**

*California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu> California*

*School Nutrition Association: <http://www.calsna.org>*

*U.S. Department of Agriculture; Food and Nutrition Services: <http://www.fns.usda.gov/cnd>*

**Policy amended: December 17, 2020**

Policy amended: September 1, 2011

Policy amended: November 6, 2008

Policy adopted: April 19, 2007

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

**Payments ~~for~~ Meals**

With the exception of students who are eligible to receive meals at no cost, students ~~or their parents/guardians~~ may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain ~~an account indicating~~ **a system for accurately recording** payments received ~~from each student or his/her parents/guardians for the purchase of school meals~~ **and tracking meals provided to each student.**

*(cf. 3550 - Food Service/Child Nutrition Program)*

*(cf. 3552 – Summer Meal Program)*

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

*(cf. 3555 – Nutrition Program Compliance)*

~~Students and their parents/guardians shall be notified whenever their account has a zero balance.~~

**At the beginning of the school year, and whenever a student enrolls during the school year, parents/guardians shall be notified of the district's meal payment policies and be encouraged to prepay for meals whenever possible. The Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but limited to:**

- 1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year.**
- 2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually.**
- 3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-priced meals, such as in the distribution of applications at the start of the school year.**
- 4. Posting the policy on the district's web site.**
- 5. Establishing a system to notify parents/guardians when a student's meal payment account has a low or negative balance.**

*(cf. 1113 – District and School Web Sites)*

*(cf. 5145.6 – Parental Notifications)*

**In order to avoid potential misuse of a student's food service account by someone other than the student in whose name the account has been established, the Superintendent or designee shall verify a student's identity when setting up the account and when charging any meal to the account. The Superintendent or designee shall investigate any claim that a bill does not belong to a student or is inaccurate, and shall open a new account as appropriate for a student whose account appears to have been misused.**

*(cf. 1340 - Access to District Records)*

*(cf. 3580 - District Records)*

**Any payments made to a student's food service account shall, if not used within the school year, be carried over into the next school year or refunded to the student's parents/guardians.**

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)****Unpaid and Delinquent Meal Charges**

The district shall not direct any action toward a student to collect unpaid school meal fees. (Education Code 49557.5)

Students who have unpaid meal charges shall be served a meal of their choice throughout the school year regardless of the level of debt incurred by the household. Such students shall not be overtly identified by the use of special tokens, tickets, or other means and shall not be shamed, treated differently, or denied a meal of their choice. (Education Code 49557, 49557.5)

No later than 10 days after a student's school meal account has reached a negative balance, the Superintendent or designee shall so notify the student's parent/guardian. Before sending this notification, the district shall exhaust all options and methods to directly certify the student for free or reduced-price meals. If the district is not able to directly certify the student, the notice to the parent/guardian shall include a paper copy of, or an electronic link to, an application for free or reduced-price meals and the Superintendent or designee shall contact the parent/guardian to encourage submission of the application. (Education Code 49557.5)

The district may attempt to collect unpaid school meal fees from a parent/guardian, but shall not use a debt collector. (Education Code 49557.5)

The Superintendent or designee may enter into an agreement with a student's parent/guardian for payment of the student's unpaid meal charge balance over a period of time. As necessary, the repayment plan may allow the unrecovered or delinquent debt to carry over into the next fiscal year.

The district's efforts to collect debt shall be consistent with district policies and procedures, California Department of Education (CDE) guidance, and 2 CFR 200.426. The district shall not spend more than the actual debt owed in efforts to recover unpaid meal charges.

The Superintendent or designee shall maintain records of the efforts made to collect unpaid meal charges and, if applicable, financial documentation showing when the unpaid meal balance has become an operating loss.

**Reimbursement Claims**

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to CDE using the online Child Nutrition Information and Payment System.

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)****Donation of Leftover Food**

To minimize waste and reduce food insecurity, the district may provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

*(cf. 3510 - Green School Operations)*

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce that complies with Health and Safety Code 113992, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

**Cafeteria Fund**

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. ~~The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund.~~ (Education Code 38090, 38094, 38092 3)

*(cf. 3100 – Budget)*

*(cf. 3300 – Expenditures and Purchases)*

The cafeteria fund shall be used only for ~~Board authorized~~ those expenditures authorized by the Board as necessary for the operation of school cafeterias ~~as defined in the California School Accounting Manual or appropriately reported to the California Department of Education.~~ (Education Code 38091, 38101) in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

With CDE approval, the district may use cafeteria funds to supplement the provision of universal breakfast. On or before July 1 of each year, the district shall submit to CDE a Board-signed application certifying that breakfast will be provided to all students at no charge and that any cost above the amount provided in federal reimbursement will be covered by the district with nonfederal funds. (Education Code 49550.5)

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the ~~expenditure's purpose and basis.~~ purpose of and basis for the expenditure. (Education Code 38101)

*(cf. 3110 - Transfer of Funds)*



**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

~~Any funds derived from the sale of cafeteria food and deposited in a Board-established cafeteria equipment reserve shall be used only for the purchase, lease, maintenance or replacement of cafeteria equipment. (Education Code 38102)~~

Indirect costs charged to the food service program shall be based on the statewide average approved indirect cost rate. (Education Code 38101)

Net cash resources in the nonprofit school food service shall not exceed three months' average expenditures. (7 CFR 210.14, 220.7)

**U.S. Department of Agriculture Foods**

The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.59)

**Contracts with Outside Services/Providers**

The term of any contract for food service management or consulting services ~~related to food services~~ shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

~~A contract for food service management consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. (Education Code 45103.5)~~

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

~~Health criteria established by the District for classified staff shall be applicable to all persons providing food service management consulting services. (Education Code 45103.5)~~

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services, including prices to be charged to students for meals, and shall monitor the food service operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

*(cf. – 3312 – Contracts)*

*(cf. 3515.6 - Criminal Background Checks for Contractors) (cf. 3600 - Consultants)*

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

*(cf. 4212 - Appointments and Conditions of Employment)*

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