

## Policy 3551: Food Service Operations/Cafeteria Fund

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

At the **Governing** Board's discretion, district funds other than the cafeteria fund may be used for the purchase of school meals.

The Superintendent or designee shall ensure that food service director(s) possess the qualifications required by 7 CFR 210.30 and California Department of Education (CDE) standards.

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 CDE. (42 USC 1776)

### Meal Sales

Each school day, a nutritionally adequate breakfast and lunch shall be made available at no cost to any student who requests a meal, including a student enrolled in an independent study program on any school day in which the student is scheduled for in-person educational activities of two or more hours. After such school meals have been made available to a student, the district may sell the student the entrée from an additional **nutritionally** ~~nutritiously~~ adequate meal that qualifies for federal reimbursement, from the same meal service. (Education Code 49431, 49501.5)

As permitted by law, adult meals and other non-**program** foods, such as smart snack compliant food and beverages sold in vending machines, may be sold to students. (Education Code 38082, 49431, 49501.5)

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 be sold to nonstudents, including parents/guardians, **volunteers**, students' siblings ~~volunteers~~, or other individuals, who are ~~on campus for a legitimate purpose~~ **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 ~~commodities~~ **(USDA) foods**.

Meal prices, as recommended by the Superintendent or designee and approved by the **Governing 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 programs shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.~~

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.

### **Cafeteria Fund and Account**

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.~~ ¶

¶

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

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 and for reasonable and necessary indirect program costs as allowed by law.

**OPTION 1: (Food service employees paid from general fund. ¶**

)

**The wages, salaries, and benefits of food service employees shall be paid from the cafeteria district's general 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 and reasonable and necessary indirect program costs as allowed by law. 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:** (Food service employees paid from cafeteria fund)

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 management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

### **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)

The district's food service program shall give priority to serving freshly prepared onsite meals, using whole or minimally processed sustainable foods which are locally grown or produced, including fresh fruits and vegetables, and to providing plant-based or restricted diet food options for students.

When soliciting for bids and contracts for the purchase of an agricultural food product, the district shall specify in the solicitation that only the purchase of agricultural food products grown, packed, or processed domestically is authorized, unless a specific exception applies. 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~~ ~~Business and Noninstructional Operations than the nondomestic~~ the quality of the domestic product is inferior to the quality of the nondomestic product, or the bid or price of the nondomestic product is more than 25 percent lower than the bid or price of the domestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception: ~~for three years from the date of purchase.~~ (Food and Agriculture Code 58596.3)

Furthermore, the district shall accept a bid or price for an agricultural **food** product grown in California before accepting a bid or price for ~~an agricultural product~~ **a domestic agricultural food product that is** 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~~ **for domestic** 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 **Governing** 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.