

**Policy 3551: Food Service Operations/Cafeteria Fund**

Status: DRAFT

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The Governing Board intends that 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.

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

The District shall make available one nutritionally adequate breakfast and one nutritionally adequate lunch every school day at no charge to all students, regardless of the student's eligibility for a federally funded free or reduced-priced meal. (SB 348, 2023). After such school meals have been made available to a student, the District may sell the student the entree from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service (Education Code 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, 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. Consistent with Education Code 49501.5, all students shall have the option to receive one no cost breakfast and one no cost lunch each school day. Additional or second meals will be billed to student accounts at the established meal prices. The District may sell additional breakfasts and or lunches to students at the established meal prices after the first meals have been provided at no cost. (SB 114, 2023).

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)

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

The establishment of a cafeteria fund does not preclude the District from using other funds for the purpose of

purchasing school meals (SB 348, 2023).

### Procurement of Foods, Equipment and Supplies

The District shall follow school food best practices in food procurement, giving priority to using California-grown or produced, sustainably grown, whole or minimally processed foods, and preparing fresh meals onsite (SB 114, 2023).

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 non-domestic 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 non-domestic 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 grown or produced outside the state. (AB 778)~~

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 or reasonably available quantities of a satisfactory quality, 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% lower than the bid or the 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)

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)

~~The District shall specify in the solicitation for bids and contracts for all agricultural food products that only the purchase of agricultural food products grown, packed, or processed domestically are authorized unless a specific exception applies, including if the quality is inferior to a non-domestic product or the bid price for the non-domestic product is more than 25% lower than the bid price for the domestic product. (SB 490)~~

### 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.

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