

Business and Noninstructional Operations
FOOD SERVICE OPERATIONS/CAFETERIA FUND

BP 3551 (a)

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 all food service director(s) possess the qualifications required by 7 CFR 210.030 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 the 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 and 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 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.

Cafeteria Fund and Account

The Superintendent or designee shall 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

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BP 3551 (b)

operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law.

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

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)

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, 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 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)

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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.

State

12 CCR 18928-18998.4: Short-lived climate pollutants
5 CCR 15550-15565: School lunch and breakfast programs
Ed. Code 38080-38086: School meals
Ed. Code 38090-38095: Cafeterias, funds and accounts
Ed. Code 38100-38103: Cafeterias, allocation of charges
Ed. Code 42646: Alternate payroll procedure
Ed. Code 45103.5: Contracts for management consulting services; restrictions
Ed. Code 49490-49493: School breakfast and lunch programs
Ed. Code 49500-49505: School meals
Ed. Code 49554: Contract services
Ed. Code 49550-49562: Meals for needy students
Ed. Code 49550.5: Universal breakfast
Ed. Code 49580-49581: Food recovery program
F&A Code: 58595 Preference for California-grown agricultural products
H&S Code 113700-114437: California Retail Food Code; sanitation and safety requirements
Pub. Cont. Code 2000-2002: Responsive bidders
Pub. Cont. Code 20111 Contracts over \$50,0000; contracts for construction; award to lowest responsible bidder
Pub. Cont. Code 3410: U.S. produce and processed foods

Federal

2 CFR 200: Appendix VII Indirect cost proposals
2 CFR 200.318-200.326: Procurement standards
2 CFR 200.318-200.326: Cost principles
2 CFR 200.400-200.47:5 Indirect costs, definition
42 USC 1751-1769j: School Lunch Program
42 USC 1771-1793: Child nutrition Act
42 USC 1773: School Breakfast Program
7 CFR 210.1-210.33: National School Lunch Program
7 CFR 245.8: Nondiscrimination practices for students eligible for free and reduced price meal and free milk
7 CFR 250.1-250.70: USDA foods

Management Resources

CA Department of Education Publication: California School Accounting Manual
CA Dept of Social Services Publication: Food Distribution Program Administrative Manual
California Department of Education Publication: Pricing of Adult Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, SNP-04-2021, August 2021
California Department of Education Publication: Food Service Management Company Contract Preapproval, NSD Management Bulletin, SNP-05-2023, March 2023
California Department of Education Publication: Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-04-2023, July 2023
California Department of Education Publication: Excess Net Cash Resources – Revised to Increase Limitation, NSD Management Bulletin, SNP-04-2022, May 2022
California Department of Education Publication: Procuring and Monitoring of Food Service Management

Contracts, NSD Management Bulletin, SNP-13-2015, January 2015
California Department of Education Publication: Cafeteria Funds--Allowable Uses, Management Bulletin
NSD-SNP-05-2020, February 2020
California Department of Education Publication: Food Distribution Program Administrative Manual
California Department of Education Publication: Storage and Inventory Management of U.S. Department of
Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018
U.S. Department of Agriculture Publication: Buy American and the Agriculture Improvement Act of 2018, SP-
32-2019, August 2019
U.S. Department of Agriculture Publication: Procuring Local Foods for Child Nutrition Programs, January
2022
U.S. Department of Agriculture Publication: Indirect Costs: Guidance for State Agencies and School Food
Authorities SP 60-2016, September 2016
U.S. Department of Agriculture Publication: Compliance with and Enforcement of the Buy American
Provision in the National School Lunch Program, SP 38-2017, June 2017
U.S. Department of Agriculture Publication: Discretionary Elimination of Reduced Price Charges in the
School Meal Programs, SP 17-2014, January 2014
U.S. Department of Agriculture Publication: Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016,
July 2016
U.S. Department of Agriculture Publication: School Meals – FAQs
Website: U.S. Department of Agriculture, Food and Nutrition Service
Website: California Department of Education, Nutrition Services Division
Website: California School Nutrition Association
Website: CalRecycle, Resources for Local Education Agencies: K-12 Public schools and School Districts
Website: California Department of Education, Accounting
Website: CSBA District and County Office of Education Legal Services

Policy Adopted: 12/13/2023

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California