

Regulation 3551: Food Service Operations/Cafeteria Fund

Status: DRAFT

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The Superintendent or designee shall ensure that foods received through the U.S. Department of Agriculture (USDA) are handled, stored, and distributed in facilities which: (7 CFR 250.14)

1. Are sanitary and free from rodent, bird, insect, and other animal infestation
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1. Safeguard foods against theft, spoilage, and other loss
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1. Maintain foods at proper storage temperatures
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1. Store foods off the floor in a manner to allow for adequate ventilation
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1. Take other protective measures as may be necessary

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 foods shall be used in school lunches as far as practicable, but also may be used in other nonprofit food service activities, with any revenues accruing to the district's nonprofit food service account. Such activities may include Payments for Meals.

The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

At the beginning of the school year, the Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
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2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
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3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of eligibility forms at the start of the school year
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4. Posting the policy on the district's web site

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 and reduced-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

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)

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 and Account

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. (Education Code 38090, 38093)

The cafeteria fund shall be used only for those expenditures authorized by the Governing Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

The district may use cafeteria funds to supplement the provision of a nutritionally adequate breakfast and/or lunch to district students when permitted by law.

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

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate as approved by CDE or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (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-250.60)
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Contracts with Outside Services

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The term of any contract for food service management or consulting 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)

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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 only, 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)

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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)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

| | Description |
|---------------------------|---|
| 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 49550-49564.5 | Meals for needy students |
| Ed. Code 49554 | Contract for services |
| 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 \$50,000; contracts for construction; award to lowest responsible bidder |

Federal References

| | Description |
|-----------------------|---|
| 2 CFR 200 | Appendix VII Indirect cost proposals |
| 2 CFR 200.318-200.326 | Procurement standards |
| 2 CFR 200.400-200.475 | Cost principles |
| 2 CFR 200.56 | Indirect costs, definition |
| 42 USC 1751-1769j | School Lunch Program |
| 42 USC 1771-1793 | Child nutrition |
| 42 USC 1773 | School Breakfast Program |
| 7 CFR 210.1-210.31 | National School Lunch Program |
| 7 CFR 210.1-210.33 | National School Lunch Program |
| 7 CFR 220.1-220.21 | National School Breakfast Program |
| 7 CFR 220.1-220.22 | National School Breakfast 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 References**Description**

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| CA Department of Education Publication | California School Accounting 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 | 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, NSD 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 | 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. Dept of Agriculture Publication | School Meals - FAQs |
| Website | U.S. Department of Agriculture, Food and Nutrition Service - https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ== |
| Website | California Department of Education, Nutrition Services Division - https://simbli.eboardsolutions.com/SU/O5xpn2rTFL2uz0BslshlorGXQ== |
| Website | California School Nutrition Association - https://simbli.eboardsolutions.com/SU/KnWOpY7WknrOcdh5fJ85QQ== |

Cross References**Description**

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|---------------|---|
| 0410 | Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w== |
| 1113 | District And School Web Sites - https://simbli.eboardsolutions.com/SU/BzLslshM03JGp7plus8dzh1Fzc4Q== |
| 1113 | District And School Web Sites - https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJc9T99n32Hnw== |
| 1113-E PDF(1) | District And School Web Sites - https://simbli.eboardsolutions.com/SU/fCje9zCXa1OFcXTUBQYRhw== |
| 1340 | Access To District Records - https://simbli.eboardsolutions.com/SU/ilradJh510f82Bjhbu4vRw== |
| 1340 | Access To District Records - https://simbli.eboardsolutions.com/SU/zrxxplusFTeTpg8XDnadUSa6Q== |
| 3100 | Budget - https://simbli.eboardsolutions.com/SU/LAXsliS005BXIXyCf1Nf6A== |
| 3100 | Budget - https://simbli.eboardsolutions.com/SU/0Em4vjDpAKIGfnem14N1VA== |
| 3110 | Transfer Of Funds - https://simbli.eboardsolutions.com/SU/WKfppOOZlplus11XJ2hU4f1IA== |
| 3230 | Federal Grant Funds - https://simbli.eboardsolutions.com/SU/U7QTeU9Soli935xKxaXdplusQ== |
| 3230 | Federal Grant Funds - https://simbli.eboardsolutions.com/SU/Oh3eMwsYd7zIFD5OxF2rsg== |

3260 Fees And Charges - <https://simbli.eboardsolutions.com/SU/y0gzCJ6sSplus9byK0L49dVplusQ==>

3260 Fees And Charges - <https://simbli.eboardsolutions.com/SU/Mr7mOJYGplusRzB7O3OQI7wEQ==>

3300 Expenditures And Purchases - <https://simbli.eboardsolutions.com/SU/yYy1CH64rE6t4GfplusXglZzA==>

3311 Bids - <https://simbli.eboardsolutions.com/SU/4rOhsyLofrigJRhzpluslN0Mg==>

3311 Bids - <https://simbli.eboardsolutions.com/SU/9Yfp9XgBK9CvZxdp5LHYFg==>

3312 Contracts - <https://simbli.eboardsolutions.com/SU/RtEPentWF4fC8KdSsZuiQQ==>

3314.2 Revolving Funds - <https://simbli.eboardsolutions.com/SU/wdb2F9MeGf8LOmXvPq4FGw==>

3400 Management Of District Assets/Accounts - <https://simbli.eboardsolutions.com/SU/lquTQBIYmztolSlshn5MKeW7w==>

3400 Management Of District Assets/Accounts - <https://simbli.eboardsolutions.com/SU/8TrCdaxJyMGDCoGDI8wO9g==>

3460 Financial Reports And Accountability - <https://simbli.eboardsolutions.com/SU/ZZKplusS3He9zslshfzmUKeQe4slshQ==>

3460 Financial Reports And Accountability - <https://simbli.eboardsolutions.com/SU/EDhz2slshx8M6pXjb8mDp6slshRw==>

3511 Energy And Water Management - <https://simbli.eboardsolutions.com/SU/SS5INI9zAuU1hqboXDF5VA==>

3512 Equipment - <https://simbli.eboardsolutions.com/SU/r1rNkRaXyrj10VEAVGfslsh9g==>

3512-E PDF(1) Equipment - <https://simbli.eboardsolutions.com/SU/6RcqkwFE4ATq4nsbPZZJJg==>

3515.6 Criminal Background Checks For Contractors - <https://simbli.eboardsolutions.com/SU/jkVuslsh6DQki3OcSQfgpcE8g==>

3550 Food Service/Child Nutrition Program - <https://simbli.eboardsolutions.com/SU/8PD4MufjPOdleCs1QuQQ3Q==>

3550 Food Service/Child Nutrition Program - <https://simbli.eboardsolutions.com/SU/KVOgHhXokXVv3QqM5NwYslshQ==>

3553 Free And Reduced Price Meals - <https://simbli.eboardsolutions.com/SU/6fL4eJpwsOAbyslshgOV21iw==>

3553 Free And Reduced Price Meals - <https://simbli.eboardsolutions.com/SU/ilamSBIBMech7f43UXJ1dg==>

3554 Other Food Sales - <https://simbli.eboardsolutions.com/SU/p8lLr1YDKXtrPTrUqSB46A==>

3554 Other Food Sales - <https://simbli.eboardsolutions.com/SU/w3DRSfBdOgy2i04klD9jjA==>

3555 Nutrition Program Compliance - <https://simbli.eboardsolutions.com/SU/yLThUk8C6gblX0ZmqG7TPg==>

3580 District Records - <https://simbli.eboardsolutions.com/SU/slshum9iqFSJwslshMnliyP5FuWQ==>

4112.4 Health Examinations - <https://simbli.eboardsolutions.com/SU/nKXNuY4nuf6VtbFdt8BxXQ==>

4212 Appointment And Conditions Of Employment - <https://simbli.eboardsolutions.com/SU/2FhNDxwOQ6LaGbmeDKmSXA==>

4212.4 Health Examinations - <https://simbli.eboardsolutions.com/SU/rlyplusslshRZ4Csezcx5hVxJL6Q==>

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| 4312.4 | Health Examinations - https://simbli.eboardsolutions.com/SU/bslshMGq1l2YgZP7pluspaaHXLeA== |
| 4331 | Staff Development - https://simbli.eboardsolutions.com/SU/mi31ZJfJZ6P6XlztQhGr3Q== |
| 4331 | Staff Development - https://simbli.eboardsolutions.com/SU/hqxZREbEWMHD9ZdRfApig== |
| 5030 | Student Wellness - https://simbli.eboardsolutions.com/SU/aWkPBgslshQGAKepvUCWXMslsh2Q== |
| 5145.6 | Parental Notifications - https://simbli.eboardsolutions.com/SU/aumLFEWhRQTqmF8OKcrwjQ== |
| 5145.6-E PDF(1) | Parental Notifications - https://simbli.eboardsolutions.com/SU/5KtCGKwRqTKUDplusFgDOn0OQ== |