Status: DRAFT

Regulation 3551: Food Service Operations/Cafeteria Fund

Original Adopted Date: 11/27/2012 | Last Revised Date: 08/16/2022 | Last Reviewed Date: 08/16/2022

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
- 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-price meals, such as in the distribution of eligibility forms at the start of the school year
- 4. Posting the policy on the district's web site website

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 The District shall take steps to minimize food waste and reduce food insecurity, in district schools. (Health and Safety Code 114079)

The Superintendent or designee shall arrange to recover the maximum amount of edible food that would otherwise be disposed for donation to a local food recovery organization. (14 CCR 18991.3)

The district may also 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) (Health and Safety Code 114079)

The Superintendent or designee shall maintain records related to edible food recovery including a list of each food recovery service or organization that collects or receives the district's edible food, contact information for the service or organization, the types of food, frequency, and quantity that will be collected or hauled by the district, and a copy of contracts or written agreements between the district and food recovery services or organizations. (14 CCR 18991.4)

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 threesix 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

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)

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. (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)

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

12 CCR 18928-18998.4 5 CCR 15550-15565 Short-lived climate pollutants
School lunch and breakfast programs

School meals -Ed. Code 38080-38086 https://simbli.eboardsolutions.com/SU/Ga5pluswcqQP6OAif56GuzhXw== Cafeterias; funds and accounts -Ed. Code 38090-38095 https://simbli.eboardsolutions.com/SU/G50LpmmxkJTUdf49zfl03g== Cafeterias; allocation of charges -Ed. Code 38100-38103 https://simbli.eboardsolutions.com/SU/kzIRxWNA7clMkpuAdB3BDQ== Alternate payroll procedure -Ed. Code 42646 https://simbli.eboardsolutions.com/SU/GiLY4nWtmRMrslshbjFr1Dx2A== Contracts for management consulting services; restrictions -Ed. Code 45103.5 https://simbli.eboardsolutions.com/SU/rfUDyyB0KWbEnrSR6aRtGA== School breakfast and lunch programs -Ed. Code 49490-49494 https://simbli.eboardsolutions.com/SU/slshkIEI45KMiS2Nfu5WXrIBA== School meals -Ed. Code 49500-49505 https://simbli.eboardsolutions.com/SU/FITqlb6u5Sl3slshWUX9h3NMw== Meals for needy students -Ed. Code 49550-49564.5 https://simbli.eboardsolutions.com/SU/apYfKshvfKaT8ryTPutYCw== Contract for services -Ed. Code 49554 https://simbli.eboardsolutions.com/SU/ejlVHlrPfSOMuGghnSVRpA== Food recovery program -Ed. Code 49580-49581 https://simbli.eboardsolutions.com/SU/Vka3lHpBLu5MvNbDpxPMwA== Preference for California-grown agricultural products -F&A Code 58595 https://simbli.eboardsolutions.com/SU/e3LEgdRtCa3jRJAqqpAHlw== Buy American Food Act; purchase of nondomestic agricultural food products F&A Code 58596.1-58596.5 https://simbli.eboardsolutions.com/SU/plusqhmMRADRDerIWCdDQKtAA== California Retail Food Code; sanitation and safety requirements -H&S Code 113700-114437 https://simbli.eboardsolutions.com/SU/ysEqndaOMC3wM2O57C4plA== Responsive bidders -Pub. Cont. Code 2000-2002 https://simbli.eboardsolutions.com/SU/8xMbAzhKdz41E7CMFCcftw== Contracts over \$50,000; contracts for construction; award to lowest Pub. Cont. Code 20111 responsible bidder https://simbli.eboardsolutions.com/SU/jLPOBzEdUi3MbupK2Q9JYw== U.S. produce and processed foods -Pub. Cont. Code 3410 https://simbli.eboardsolutions.com/SU/ZAaFslshJcPtso7EpKjSWbLtQ== **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

2 CFR 200.318-200.326
2 CFR 200.318-200.326
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 Act
42 USC 1773
School Breakfast Program
7 CFR 210.1-210.33
National School Lunch Program - https://simbli.eboardsolutions.com/SU/Lv8UWIOwAizNvSHss7IA9Q==
7 CFR 245.8
Nondiscrimination practices for students eligible for free and reduced price meal and free milk
USDA foods

Management Resources References

Description

CA Department of Education Publication	California School Accounting Manual - https://simbli.eboardsolutions.com/SU/la6rEIHDCWXcWau3KBZu1Q==
CA Dept of Social Services Publication	Food Distribution Program Administrative Manual - https://simbli.eboardsolutions.com/SU/nyewplus2MYP1l2kFos0g6A1g==
California Department of Education Publication	Food Service Management Company Contract Preapproval, NSD Management Bulletin, SNP-05-2023, March 2023 - https://simbli.eboardsolutions.com/SU/mOufrFNwniFM1awCSekQig==
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 - https://simbli.eboardsolutions.com/SU/iYYHImGF6owkXb4XplNhBg==
California Department of Education Publication	Excess Net Cash Resources – Revised to Increase Limitation, NSD Management Bulletin, SNP-04-2022, May 2022 - https://simbli.eboardsolutions.com/SU/b6Fb17rDNsPE6BpluspplusZCeag==
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 - https://simbli.eboardsolutions.com/SU/JUErkrXTOplusTm7Tek3vENNg==
California Department of Education Publication	Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015, January 2015 - https://simbli.eboardsolutions.com/SU/0xehZuMNR6S4K7G3mA8voQ==
California Department of Education Publication	Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018 - https://simbli.eboardsolutions.com/SU/zilcFJ8Mw0144yV2HXostA==
California Department of Education Publication	Cafeteria Funds - Allowable Uses, NSD Management Bulletin, SNP-05-2020, February 2020 - https://simbli.eboardsolutions.com/SU/cugWslshXJeDOCpthEHp4lbwA==
U.S. Department of Agriculture Publication	Buy American and the Agriculture Improvement Act of 2018, SP-32-2019, August 2019 - https://simbli.eboardsolutions.com/SU/dliLwSfQiplusj24M3cU6ltPQ==
U.S. Department of Agriculture Publication	Procuring Local Foods for Child Nutrition Programs, January 2022 - https://simbli.eboardsolutions.com/SU/HhAApjRqO50vmPxv0LlTyA==
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016 - https://simbli.eboardsolutions.com/SU/oOOO2an7WbABMX4h7rKBGw==
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 - https://simbli.eboardsolutions.com/SU/xznhgslshx8zWDqQgkfapjqrg==
U.S. Department of Agriculture Publication	Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014 - https://simbli.eboardsolutions.com/SU/eKLjV8LnndCHGnHVlot6jw==
U.S. Department of Agriculture Publication	Indirect Costs: Guidance for State Agencies and School Food Authorities, SP 60-2016, September 2016 - https://simbli.eboardsolutions.com/SU/2elvdTHdcMWZgr6swpV4lg==
U.S. Dept of Agriculture Publication	School Meals - FAQs - https://simbli.eboardsolutions.com/SU/QUslshp05vKZnC3p4Zaew4pw==
Website	CalRecycle, Resources for Local Education Agencies: K-12 Public Schools and School Districts - https://simbli.eboardsolutions.com/SU/5MtAj0JJaCbjmqbOslsh4XJkg==
Website	California Department of Education, Accounting - https://simbli.eboardsolutions.com/SU/9JFgsDtSvqtszhmrHXxDdg==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
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==

California School Nutrition Association -

Cross References	Description
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/uS0gx6gDkhXV2zyG1glLaQ==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJcC9T99n32Hnw==
1113-E(1)	District And School Websites - https://simbli.eboardsolutions.com/SU/Mze3Jkh96AlHtvj627Y0Sw==
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/0Em4vjDpAKlGfnem14N1VA==
3110	Transfer Of Funds - https://simbli.eboardsolutions.com/SU/cd10OT9nUslshYZ49qjorWOsg==
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/agzNpuVcRrXlukgOj2VkNw==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/uEYQslsh5qayTY8IPOQDYVxMQ==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/yYy1CH64rE6t4GfplusXgIZzA==
3311	Bids - https://simbli.eboardsolutions.com/SU/J4XkQpluspDuFoUxMKd4ZKyMA==
3311	Bids - https://simbli.eboardsolutions.com/SU/a4y4guyMC9pHn8Kcpluse1nWw==
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/IquTQBIYmztolslshn5MKeW7w==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/8TrCdaxJyMGDCoGDl8wO9g==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/4neViCDuqe27oe7UPwxLTg==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/yJoscjbOD4FYFm2xCUcqSA==
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/NlebfJAslsh6KWNOQf1BsiaMQ==

3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/39H2M5i3Hc5V4lxUohqBFw==
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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/jk/vuslsh6DQki3OcSQfgpcE8g==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/slshbnNdB5VoKn29R1FDUD8Vw==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/KVOgHhXokXVv3QqM5NwYslshQ==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/veLi3k2THgU0fAplusDEpluskdyw==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/bJft7yoiEWomeYDx1LdKBg==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/p8lLr1YDKXtrPTrUqSB46A==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/w3DRSfBdOgy2i04kID9jjA==
3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/mkUslshWBWqslshVaye1pCylEf6A==
3555-E(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/ytO7dP7uDvfNrcslshlqxXKMg==
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==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/bslshMGq1l2YgZP7pluspaaHXLeA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/mi31ZJfJZ6P6XIztQhGr3Q==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/hqxZRiEbEWMHD9ZdRfApig==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/aWkPBgslshQGAKepvUCWXMslsh2Q==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/QplusplussK81plusdOOeH8KAbE4Yqw==
5145.6-E(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/Eg2nslshWICuRZcPaQLpluseWumA==