

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 cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of food 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

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, Board members, and employees. (Education Code 38082)

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 cost 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.

FOOD SERVICE OPERATIONS/CAFETERIA FUND

The Superintendent or designee shall ensure that the 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.

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 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 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 price for a domestic agricultural food product that is grown outside of 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 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)

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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 CDE to ensure compliance of the district's food service program with federal requirements.

Legal Reference:

CALIFORNIA CODE OF REGULATIONS, TITLE 5:

15550 School Lunch and breakfast programs

CALIFORNIA CODE OF REGULATIONS, TITLE 12:

18928 Short-lived climate pollutants

EDUCATION CODE:

38080-38085 Cafeterias; establishment and use
38090-38095 Cafeterias; funds and accounts
38100-38103 Cafeterias; allocation of charges
42646 Alternate payroll procedure
45103.5 Contracts for management consulting services; restrictions
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49550-49564.5 Meals for needy students
49554 Contract for services

FOOD AND AGRICULTURE CODE:

58595 Preference for California-grown agricultural products
58596.1-58596.5 Buy American Food Act; purchase of nondomestic agricultural food products

HEALTH AND SAFETY CODE:

113700-114437 California Retail Food Code; sanitation and safety requirements

PUBLIC CONTRACT CODE:

2000-2002 Responsive bidders

TUSD Adopted: 06.96

TUSD Revised: 03.01, 11.07, 11.08, 02.27.24

FOOD SERVICE OPERATIONS/CAFETERIA FUND

20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
3410 U.S. produce and processed foods

CODE OF FEDERAL REGULATIONS, TITLE 2:

200 Appendix VII Indirect cost proposals
200.318-200.326 Procurement standards
200.400-200.475 Cost principles

UNITED STATES CODE, TITLE 42:

1751-1769j School Lunch Program
1771-1793 Child Nutrition Act
1773 School Breakfast Program

CODE OF FEDERAL REGULATIONS, TITLE 7:

210.1-210.343 National School Lunch Program
245.8 Nondiscrimination practices for students eligible for free and reduced-price meal and free milk
250.1-250.70 USDA foods

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual
Food Service Management Company Contract Preapproval
Unpaid Meal Charges
Excess Net Cash Resources
Pricing of Adult Meals in the National School Breakfast and Lunch Programs
Procuring and Monitoring of Food Service management Contracts
Storage and Inventory Management of USDA Foods
Cafeteria Funds-Allowable Uses

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES PUBLICATION

Food Distribution Program Administrative Manual

UNITED STATES DEPARTMENT OF AGRICULTURE PUBLICATIONS

Buy American and the Agricultural Improvement Act of 2018
Procuring Local Foods for Child Nutrition Programs
Unpaid Meal Charges: Local Meal Charge Policies
Compliance and Enforcement of the Buy American Provision in the NSLP

TUSD Adopted: 06.96
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FOOD SERVICE OPERATIONS/CAFETERIA FUND

Discretionary Elimination of Reduced-Price Charges in School Meal Programs
Indirect Costs: Guidance for State Agencies and School Food Authorities
School Meals: FAQs

WEB SITES

California Department of Education, Nutrition Services Division:
<https://www.cde.ca.gov/ls/nu>

California Department of Education, Accounting:
<https://www.cde.ca.gov/fg/ac>

CSBA District and County Office of Education Legal Services:
<https://legalservices.csba.org>

California School Nutrition Association:
<http://www.calsna.org>

CalRecycle, Resources for Local Education Agencies:
<https://calrecycle.ca.gov/organics/slcp/schools>

U.S. Department of Agriculture, Food and Nutrition Service:
<http://www.fns.usda.gov/cnd>