

Section 3000

Business and Noninstructional Operations

BP 3550 Food Service/Child Nutrition Program

Education Code 49501.5, as amended by SB 348 (Ch. 600, Statutes of 2023), requires districts, during each school day, to make available, free of charge, one nutritionally adequate breakfast and one nutritiously adequate lunch to any student who requests a meal, regardless of the student's eligibility for a federally funded free or reduced-price meal. However, pursuant to Education Code 49431, as amended by AB 95 (Ch. 318, Statutes of 2023), a school is not prohibited from selling an additional nutritiously adequate meal that qualifies for federal reimbursement from the same meal service to a student who has been provided a free meal.

In order to receive reimbursements for the meals, a district is required to be approved for participation in the National School Lunch Program (42 USC 1751-1769j) or the School Breakfast Program (42 USC 1773). Additionally, pursuant to Education Code 49531, as amended by SB 348, a district must comply with state and federal guidelines or regulations in order to be eligible for state meal reimbursement. See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. For food sales outside the district's food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.

The Governing Board recognizes that adequate, nourishing food is essential to student health and well-being, development, and ability to learn. The Superintendent or designee shall develop strategies to increase students' access to and participation in the district's food service programs and maintain fiscal integrity of the programs in accordance with law.

Education Code 49501.5, as amended by SB 348, requires that a nutritionally adequate breakfast and lunch be made available to any student who requests a meal regardless of the student's eligibility for a free or reduced-price meal. However, the district still must determine student eligibility for free or reduced-price meals under the National School Lunch or School Breakfast Program in order to be reimbursed for such meals, as the funds provided under the California Universal Meal Program are meant to supplement, not supplant, federal funds.

Additionally, pursuant to Education Code 49501.5, as amended by SB 348, if a district offers independent study, the district must make available a nutritionally adequate breakfast and lunch on any school day that a student is scheduled for educational activities, as defined in Education Code 49010, lasting two or more hours, at a school site, resource center, meeting space, or other satellite facility.

Each school day, a nutritionally adequate breakfast and lunch shall be made available at no cost to any student who requests a meal, including a student enrolled in an independent study program on any school

day in which the student is scheduled for in-person educational activities of two or more hours. A nutritionally adequate breakfast or lunch is one that qualifies for reimbursement under the most current meal pattern for the federal School Breakfast Program or National School Lunch Program.

Pursuant to Education Code 49431, as amended by SB 95, a school is not prohibited from selling an additional nutritiously adequate meal that qualifies for federal reimbursement from the same meal service to a student who has already been provided a free meal.

After a student has been provided a school meal at no cost, the district may sell the student the entrée from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service. (Education Code 49431)

Foods and beverages available through the district's food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease

42 USC 1758b mandates each district participating in the National School Lunch Program (42 USC 1751-1769j) or any program in the Child Nutrition Act (42 USC 1771-1791), including the School Breakfast Program, to adopt a districtwide school wellness policy which includes nutrition guidelines for all foods available on school campuses; see BP 5030 - Student Wellness for language fulfilling this mandate. In addition, Education Code 49501.5 requires that meals provided under the California Universal Meals Program qualify for federal reimbursement. Also see the accompanying administrative regulation for state and federal legal requirements pertaining to nutrition standards.

2. Meet or exceed nutrition standards specified in law
3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits
4. Be served in age-appropriate portions

At the beginning of each school year, the Superintendent or designee shall communicate information related to the district's food service programs to the public through available means, including, but not limited to, the district's website, social media, flyers, and school publications.

SB 114 (Ch. 48, Statutes of 2023) allocates funds for eligible districts which may be expended on kitchen infrastructure upgrades and implementing any of the following school food best practices: (1) procuring California-grown or produced, sustainably grown, or whole or minimally processed foods to support equity in procurement practices, (2) using California-grown, whole or minimally processed foods in plant-based or restricted diet meals, (3) procuring plant-based or restricted diet food options, and/or (4) freshly preparing meals onsite. Districts that do not receive the above funding are nonetheless encouraged to follow these school food best practices. In addition, grant funding may be available from the California Department of Food and Agriculture's (CDFA) California Farm to School Incubator Grant, which includes a transitional kindergarten-12 Procurement and Education Grant for districts to procure California grown or produced, whole or minimally processed foods for incorporation into school meals and engage students in hands-on food education opportunities.

The district's food service program shall give priority to serving freshly prepared onsite meals, using whole or minimally processed sustainable foods which are locally grown or produced, including fresh fruits and vegetables, and providing plant-based or restricted diet food options for students.

Both state and federal law support the concept of using locally grown and/or organic produce in school cafeterias. Consistent with the state meal mandate, the Instructional School Gardens Program, established pursuant to Education Code 51795-51798, encourages the creation of school gardens as a means of providing children an opportunity to learn to make healthier food choices. Pursuant to Education Code 51798, a district that operates a school garden may sell produce grown in the school garden, regardless of whether the school participates in the Instructional School Gardens Program, if the district complies with applicable federal, state, and local health and safety requirements for the production, processing, and distribution of the produce. For more information about the benefits of farm to school programs, including the increase in student fruit and vegetable consumption associated with these programs, see CDFA's 2022 publication, "Planting the Seed: Farm to School Roadmap for Success." In addition, 42 USC 1769 permits a high poverty school (schools with 50 percent or more students eligible for free and/or reduced-price meals) that runs a community garden to use produce from the garden to supplement food provided at the school. Thus, such use is allowable provided the foods comply with health and sanitation requirements as well as applicable nutrition standards.

District schools are encouraged to establish school gardens and/or farm-to-school projects to increase the availability of safe, fresh, seasonal fruits and vegetables for school meals, positively impact students' knowledge related to food and nutrition, support the district's nutrition education program, and increase students' consumption of these foods and participation in school meals.

Education Code 49534 authorizes nutrition education programs to coordinate classroom instruction with the food service program and be of sufficient variety and flexibility to meet the needs of students in the district.

To the extent possible, the school meal program shall be coordinated with the nutrition education program, instructional program for teachers, parents/guardians and food service employees, available community resources, and other related district programs.

To encourage student participation in school meal programs, schools may offer multiple choices of food items within a meal service, provided all food items meet nutrition standards and all students are given an opportunity to select any food item.

The Superintendent or designee may invite students and parents/guardians to participate in the selection of foods of good nutritional quality for school menus.

Pursuant to Education Code 49501.5, as amended by SB 348, students must be provided adequate time to eat, as determined by the district in consideration of the recommendations provided by CDE on or before June 30, 2025.

Students shall be allowed adequate time and space to eat meals. (Education Code 49501.5)

To the extent possible, school, nutrition break, and transportation schedules shall be designed to promote participation in school meal programs.

The Superintendent or designee shall periodically review the adequacy of school cafeterias and facilities for food preparation and consumption.

The district's food service program is subject to the food safety standards in the California Retail Food Code (Health and Safety Code 113700-114437). In addition, 42 USC 1758 and 7 CFR 210.13 and 220.7 require all schools participating in the National School Lunch and/or Breakfast Program to implement a food safety program for the storage, preparation, and service of school meals. See the accompanying administrative regulation for requirements of the food safety program.

In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation and service process.

Districts that participate in the National School Lunch Program, School Breakfast Program, Seamless Summer Feeding Option, and/or other federal meal program are subject to a state Administrative Review of district compliance with requirements for federal meal programs, including, but not limited to, a review of nutritional quality, meal patterns, provision of drinking water, school meal environment, and food safety. Each district is reviewed at least once every three years. Also see BP 3551 - Food Service Operations/Cafeteria Fund. However, Education Code 49431, 49431.2, and 49431.5 express legislative intent that the Governing Board annually review the district's compliance with nutrition standards for foods sold outside the National School Lunch or Breakfast Program.

Pursuant to USDA's, "Food and Nutrition Services Instruction 113-1," any district participating in federal meal programs must collect racial and ethnic data on potentially eligible populations, applicants, and program participants; see BP 3555 - Nutrition Program Compliance.

The Superintendent or designee shall annually report to the Board on student participation in the district's nutrition programs and the extent to which the district's food service program meets state and federal nutrition standards for foods and beverages. In addition, the Superintendent or designee shall provide all necessary and available documentation required for the Administrative Review conducted by the California Department of Education (CDE) to ensure the food service program's compliance with federal requirements related to nutrition standards, meal patterns, provision of drinking water, school meal environment, food safety, and other areas as required by CDE.

Legal Reference:

State References

EDUCATION CODE

48980 Notice at beginning of term

49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-49562 Meals for needy students

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act
6301-6514 Title I programs
UNITED STATES CODE, TITLE 42
1751-1769j School lunch program 1771-1791 Child
nutrition, especially:
1773 School breakfast program
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.10-220.21 National School Breakfast Program
245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk
WELFARE AND INSTITUTIONS CODE
14005.41 Basic health care

Management Resources:

CSBA PUBLICATIONS

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

NSD SNP-12-2015 Updated Guidance on Sharing of School Meal Applications and the Passing of
Assembly Bill 1599, July 2015

USDA-SNP-07-2010 Change in Free and Reduced-Price Meal Application Approval Process,
September 2010

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Feed More Kids, Improve Program Participation

Direct Certification Implementation Checklist, May 2008

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2015

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002 WEB
SITES

CSBA: <http://www.csba.org>

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

California Healthy Kids Resource Center: <http://www.californiahealthykids.org> California Project

LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

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