

Business and Non-Instructional Operations

Nutrition Service Operations

The Board of Education 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 foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

At the Board's discretion, district funds other than the cafeteria fund may be used for the purchase of school meals.

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

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. After such school meals have been made available to a student, 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, 49501.5)

As permitted by law, 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, 49431, 49501.5)

Meals may be sold to district employees, Board members, and employees or members of the fund or association maintaining the cafeteria.

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 to be 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.

BP 3551(b)

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 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.

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 school districts. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

Procurement of Food, 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)

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 to providing plant-based or restricted diet food options for students.

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 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 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)

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.

State Legal References:

CODE OF REGULATIONS, TITLE 5

15550-15565 School lunch and breakfast programs

CODE OF REGULATIONS, TITLE 12

18928-18998.4 Short-lived climate pollutants

EDUCATION CODE

38080-38086

School meals

38090-38095

Cafeterias, funds and accounts

38100-38103

Cafeterias, allocation of charges

42646

Alternate payroll procedure

45103.5

Contracts for management consulting services; restrictions

49010

Educational activity; definition

49431

The Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494

School breakfast and lunch programs

49501.5-49506

School meals

49550.3-49562

Meals for needy students

49554

Contract for services

49580-49581

Food recovery program

State Legal References (cont'd):

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

Federal Legal References:

CODE OF FEDERAL REGULATIONS, TITLE 2

- 200 Appendix VII Indirect cost proposals
- 200.318-200.326 Procurement Standards
- 200.400-200.475 Cost principles
- 200.56 Indirect costs, definition

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 7

- 245.8 Nondiscrimination practices for students eligible for free and reduced price meal and free milk
- 250.1-250.70 USDA Foods

Adopted: (7-88 10-93 2-06 10-22) 11-24

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California