

## **Business and Noninstructional Operations**

### **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 foods 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 students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

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.

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.

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#### **Cafeteria Fund and Account**

The Superintendent or designee shall establish a cafeteria fund independent of the District's general fund.

The wages, salaries and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

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.

#### **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 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)

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 food product grown in California before accepting a bid or price for a domestic agricultural food product that is 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 for domestic product produced outside the state. (Food and Agriculture Code 58595) the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid

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Bid solicitations and awards for purchases of equipment, materials, or supplies in support of the District's child nutrition program, or for contract 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.

#### **Legal Reference:**

| <b><u>State</u></b>       | <b><u>Description</u></b>                                                                                      |
|---------------------------|----------------------------------------------------------------------------------------------------------------|
| 12 CCR 18928-18998.4      | Short-lived climate pollutants                                                                                 |
| 5 CCR 15550-15565         | School lunch and breakfast programs                                                                            |
| Ed. Code 38080-38086      | <a href="#"><u>School meals</u></a>                                                                            |
| Ed. Code 38090-38095      | <a href="#"><u>Cafeterias; funds and accounts</u></a>                                                          |
| Ed. Code 38100-38103      | <a href="#"><u>Cafeterias; allocation of charges</u></a>                                                       |
| Ed. Code 42646            | <a href="#"><u>Alternate payroll procedure</u></a>                                                             |
| Ed. Code 45103.5          | <a href="#"><u>Contracts for management consulting services; restrictions</u></a>                              |
| Ed. Code 49490-49494      | <a href="#"><u>School breakfast and lunch programs</u></a>                                                     |
| Ed. Code 49500-49505      | <a href="#"><u>School meals</u></a>                                                                            |
| Ed. Code 49550-49564.5    | <a href="#"><u>Meals for needy students</u></a>                                                                |
| Ed. Code 49554            | <a href="#"><u>Contract for services</u></a>                                                                   |
| Ed. Code 49580-49581      | <a href="#"><u>Food recovery program</u></a>                                                                   |
| F&A Code 58595            | <a href="#"><u>Preference for California-grown agricultural products</u></a>                                   |
| F&A Code 58596.1-58596.5  | <a href="#"><u>Buy American Food Act; purchase of nondomestic agricultural food products</u></a>               |
| H&S Code 113700-114437    | <a href="#"><u>California Retail Food Code; sanitation and safety requirements</u></a>                         |
| Pub. Cont. Code 2000-2002 | <a href="#"><u>Responsive bidders</u></a>                                                                      |
| Pub. Cont. Code 20111     | <a href="#"><u>Contracts over \$50,000; contracts for construction; award to lowest responsible bidder</u></a> |
| Pub. Cont. Code 3410      | <a href="#"><u>U.S. produce and processed foods</u></a>                                                        |

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Legal Reference:

**Federal**

2 CFR 200

2 CFR 200.318-200.326

2 CFR 200.400-200.475

2 CFR 200.56

42 USC 1751-1769j

42 USC 1771-1793

42 USC 1773

7 CFR 210.1-210.33

7 CFR 245.8

7 CFR 250.1-250.70

**Management Resources**

CA Dept of Social

Services Publication

California Department of  
Education PublicationCalifornia Department of  
Education PublicationCalifornia Department of  
Education PublicationCalifornia Department of  
Education PublicationCalifornia Department of  
Education PublicationCalifornia Department of  
Education PublicationCalifornia Department of  
Education PublicationCalifornia Department of  
Education PublicationU.S. Department of  
Agriculture Publication**Description**

Appendix VII Indirect cost proposals

Procurement standards

Cost principles

Indirect costs; definition

School Lunch Program

Child Nutrition Act

School Breakfast Program

[National School Lunch Program](#)Nondiscrimination practices for students eligible for free and  
reduced-price meal and free milk

USDA foods

**Description**[Food Distribution Program Administrative Manual](#)[Food Service Management Company Contract Preapproval, NSD  
Management Bulletin, SNP-05-2023, March 2023](#)[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](#)[Excess Net Cash Resources – Revised to Increase Limitation,  
NSD Management Bulletin, SNP-04-2022, May 2022](#)[Pricing of Adult Meals in the National School Lunch and School  
Breakfast Programs, NSD Management Bulletin, SNP-04-2021,  
August 2021](#)[Procuring and Monitoring of Food Service Management  
Contracts, NSD Management Bulletin, SNP-13-2015, January  
2015](#)[California School Accounting Manual](#)[Storage and Inventory Management of U.S. Department of  
Agriculture Foods, NSD Management Bulletin, FDP-01-2018,  
January 2018](#)[Cafeteria Funds - Allowable Uses, NSD Management Bulletin,  
SNP-05-2020, February 2020](#)[Buy American and the Agriculture Improvement Act of 2018, SP-  
32-2019, August 2019](#)

**Business and Noninstructional Operations****FOOD SERVICE OPERATIONS/CAFETERIA FUND****Management Resources**

U.S. Department of  
Agriculture Publication  
U.S. Department of  
Agriculture Publication  
U.S. Department of  
Agriculture Publication  
U.S. Department of  
Agriculture Publication

U.S. Department of  
Agriculture Publication  
U.S. Dept of Agriculture  
Publication  
Website

Website  
Website  
Website  
Website

Website

**Description**

[Procuring Local Foods for Child Nutrition Programs, January 2022](#)

[Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016](#)

[Indirect Costs: Guidance for State Agencies and School Food Authorities, SP 60-2016, September 2016](#)

[Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP-38-2017, June 2017](#)

[Discretionary Elimination of Reduced-Price Charges in the School Meal Programs, SP 17-2014, January 2014](#)

[School Meals - FAQs](#)

[CalRecycle, Resources for Local Education Agencies: K-12 Public Schools and School Districts](#)

[California Department of Education, Accounting](#)

[CSBA District and County Office of Education Legal Services](#)

[U.S. Department of Agriculture, Food and Nutrition Service](#)

[California Department of Education, Nutrition Services Division](#)

[California School Nutrition Association](#)

**WESTMINSTER SCHOOL DISTRICT**

Westminster, California

Policy Adopted July 5, 1990

Revised: April 17, 1997

Revised: October 13, 2016

Revised: December 10, 2015

Revised: December 11, 2020

Revised: April 18, 2024