

Board Office Use: Legislative File Info.	
File ID Number	17-1465
Introduction Date	6/28/17
Enactment Number	17-1065
Enactment Date	6/29/17



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

Memo

To Board of Education

From Marion McWilliams, General Counsel

Board Meeting Date June 28, 2017

Subject Amendment to Board Policy – BP 3551 Food Service Operations/Cafeteria Fund

Action Requested Approval by the Board of Education of updates to the Oakland Unified School District Board Policy BP 3551 Food Service Operations/Cafeteria Fund

Background Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District's standards.

Discussion In order to ensure that our policies are current, it is important for us to review and update our policies. The proposed changes are based upon the California Association of Schools Board's recommended model. The modifications have been reviewed and vetted by the General Counsel.

This policy was updated to reflect the new federal guidance (U.S Department of Agriculture Memorandum), which mandates any district participating in the national school lunch and/or breakfast program to adopt a written policy on meal charges. This includes the collection of delinquent meal charge debt, and to annually communicate that policy to parents/guardians. The policy also reflects new state guidance, which requires district policy to ensure that students with unrecovered or delinquent meal charge debt are not overtly identified. This revised policy reflects the Buy American provision of federal regulations that require districts, to the maximum extent practicable, to purchase domestically grown and processed foods.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with blue strikeouts. The recommended additions are shown in red.

Recommendation Approval of modification to the Oakland Unified School District Board Policy BP 3551 Food Service Operations/Cafeteria Fund

Fiscal Impact No direct funding implications

Attachments Amendment to Board Policy BP 3551 Food Service Operations/Cafeteria Fund

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Business and Noninstructional Operations

BP 3551

Food Service Operations/Cafeteria Fund

The Governing Board intends that, ~~insofar as possible,~~ school food services shall be a self-supporting, nonprofit program. ~~Upon recommendation of~~ To ensure program quality and increase 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.

(cf. ~~Deputy~~3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

The Superintendent ~~of Business Services, the~~ or designee shall ensure that all food service personnel possess the required qualifications and receive ongoing professional development related to the effective management and implementation of the district's food service program in accordance with law.

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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 the California Department of Education (CDE). (42 USC 1776)

Meal Sales

Meals may be sold to students, district employees, Board ~~shall review and approve members,~~ and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

Meal prices.—~~Program financial reports shall be presented regularly to the~~, 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.

~~Meals can be served or sold only to students enrolled in the school and only to adults who work for Oakland Unified School District.—Meals must be served and consumed on school grounds.—No food~~

~~may leave the school grounds.— Since these meals may include federally donated food commodities, their price shall be set in accordance with state and federal guidelines (Education Code 38082; Title 7 Part 2).—~~

Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation. Such students shall not be overtly identified or treated differently from other students.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments, and shall clearly communicate these procedures and related district policies to students and parents/guardians. The procedures adopted by the Superintendent or designee shall conform with 2 CFR 200.426 and any applicable CDE guidance, and shall not overtly identify students with unrecovered or delinquent debt or treat them differently than other students.

Cafeteria Fund

The Superintendent or ~~Deputy Superintendent of Business Services~~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)

~~To increase cost effectiveness, the~~The Superintendent or ~~Deputy Superintendent of Business Services~~designee shall ~~centralize~~ensure that state and ~~direct the purchasing~~federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food ~~services~~ and ~~supplies, the planning of menus,~~reasonable and ~~the auditing of all food service accounts for the district~~necessary indirect program costs as allowed by law.

~~(cf. —~~

(cf. 3230 - Federal Grant Funds)

~~(cf. 3550 — Food Service/Child Nutrition Program)~~

~~(cf. 3553 — Free and Reduced Price Meals)~~

3400 - Management of District Assets/Accounts)

(cf. 3460 - Financial Reports and Accountability)

Contracts with Outside ~~Providers~~Services

With Board approval, the district may enter into a contract for ~~management~~food service consulting services ~~related to food service on a year-to-year basis.~~or management services in one or

more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

~~With Board approval, the district may enter into a contract with a private company that enables a school to operate a franchise offering fast food items for sale to students.—The franchise agreement and food purchases shall be subject to the competitive bidding requirements of the National School Lunch and School Breakfast Programs.~~

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

Procurement of Foods

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)

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 reasonable quantities of a satisfactory quality, or when competitive bids reveal the costs of a United States product are significantly higher than the nondomestic product. In such cases, the Superintendent or designee shall retain documentation justifying the exception.

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 the CDE to ensure compliance of the district's food service program with federal requirements related to maintenance of the nonprofit school food service account, meal charges, paid lunch equity, revenue from nonprogram goods, indirect costs, and USDA foods.

(cf. 3555 - Nutrition Program Compliance)

Legal Reference:

EDUCATION CODE

38080-38086 Cafeteria, 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–](#)
[49554 Contract for services](#)
[49550-49562 Meals for needy students](#)
[HEALTH AND SAFETY CODE](#)
[113700-114437 California Retail Food Code](#)
[CODE OF REGULATIONS, TITLE 5](#)
[15550-15565 School lunch and breakfast programs](#)
[UNITED STATES CODE, TITLE 42](#)
[1751-1769j School lunch programs](#)
[1771-1791 Child nutrition, including:](#)
[1773 School breakfast program](#)
[CODE OF FEDERAL REGULATIONS, TITLE 2](#)
[200.56 Indirect costs, definition](#)
[200.400-200.475 Cost principles](#)
[200 Appendix VII Indirect cost proposals](#)
[CODE OF FEDERAL REGULATIONS, TITLE 7](#)
[210.1-210.31 National School Lunch Program–](#)
[220.1-220.21 National School Breakfast Program](#)
[250.1-250.70 USDA foods](#)

Management Resources:

[CDE-MANAGEMENT-ADVISORIES](#)

[0701.00—CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS](#)

[California School Accounting Manual](#)

[Food Distribution Program Administrative Manual](#)

[Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, Management Bulletin, SNP-03-2017, April 2017](#)

[Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, Bad Debt Policies, and the Handling of Unpaid Meal Charges, Management Bulletin USDA-SNP-06-2015, May 2015](#)

[Cafeteria Funds--Allowable Uses, Management Bulletin NSD-SNP-07-2013, May 2013](#)

[Paid Lunch Equity Requirement, Management Bulletin USDA-SNP-16-2012, October 2012](#)

[Storage and Inventory Management of United States Department of Agriculture \(USDA\)](#)

[Donated Foods, Management Bulletin USDA-FDP-02-2010, August 2010](#)

[Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, ~~No~~ Management Bulletin 00-111, July 2000](#)

[U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS](#)

[FAQs About School Meals](#)

[Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017](#)

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

[Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, September 2016](#)

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

[Compliance with and Enforcement of the Buy American Provision in the National School Lunch](#)

Program, SP 24-2016, February 2016

Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014

WEB SITES

~~CDE~~ California Department of Education, Nutrition Services Division:

<http://www.cde.ca.gov/nse/l/s/nu>

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

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

8/25/04; 6/28/17A (if adopted)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Business and Noninstructional Operations

BP 3551

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 increase 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.

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

The Superintendent or designee shall ensure that all food service personnel possess the required qualifications and receive ongoing professional development related to the effective management and implementation of the district's food service program in accordance with law.

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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 the California Department of Education (CDE). (42 USC 1776)

Meal Sales

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)

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.

Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation. Such students shall not be overtly identified or treated differently from other students.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3553 - Free and Reduced Price Meals)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments, and shall clearly communicate these procedures and related district policies to students and parents/guardians. The procedures adopted by the Superintendent or designee shall conform with 2 CFR 200.426 and any applicable CDE guidance, and shall not overtly identify students with unrecovered or delinquent debt or treat them differently than other students.

Cafeteria Fund

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 reasonable and necessary indirect program costs as allowed by law.

(cf. 3230 - Federal Grant Funds)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 3460 - Financial Reports and Accountability)

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)

(cf. 3312 - Contracts)
(cf. 3600 - Consultants)

Procurement of Foods

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)

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 reasonable quantities of a satisfactory quality, or when competitive bids reveal the

costs of a United States product are significantly higher than the nondomestic product. In such cases, the Superintendent or designee shall retain documentation justifying the exception.

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 the CDE to ensure compliance of the district's food service program with federal requirements related to maintenance of the nonprofit school food service account, meal charges, paid lunch equity, revenue from nonprogram goods, indirect costs, and USDA foods.

(cf. 3555 - Nutrition Program Compliance)

Legal Reference:

EDUCATION CODE

38080-38086 Cafeteria, 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
49554 Contract for services
49550-49562 Meals for needy students

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

CODE OF REGULATIONS, TITLE 5

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs
1771-1791 Child nutrition, including:
1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

200.56 Indirect costs, definition
200.400-200.475 Cost principles
200 Appendix VII Indirect cost proposals

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program
250.1-250.70 USDA foods

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, Management Bulletin, SNP-03-2017, April 2017

Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, Bad Debt Policies, and the Handling of Unpaid Meal Charges, Management Bulletin USDA-SNP-06-2015, May 2015

Cafeteria Funds--Allowable Uses, Management Bulletin NSD-SNP-07-2013, May 2013

Paid Lunch Equity Requirement, Management Bulletin USDA-SNP-16-2012, October 2012

Storage and Inventory Management of United States Department of Agriculture (USDA)

Donated Foods, Management Bulletin USDA-FDP-02-2010, August 2010

Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, Management Bulletin 00-111, July 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

FAQs About School Meals

Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017

Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016

Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, September 2016

Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016

Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 24-2016, February 2016

Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014

WEB SITES

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

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

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

8/25/04; 6/28/17A (if adopted)