

FOOD SERVICE/CHILD NUTRITION PROGRAM

The Governing Board recognizes that students need adequate, nourishing food in order to grow, learn and maintain good health. To reinforce the district's nutrition education program, foods available on school premises shall be:

1. Carefully selected so as to contribute to students' nutritional well-being and the prevention of disease
2. Prepared in ways which will appeal to students, retain nutritive quality and foster healthful eating habits
3. Served in age-appropriate quantities and at reasonable prices

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3554 - Other Food Sales)

(cf. 5141.32 - Child Health and Disability Prevention Program)

(cf. 6142.8 - Comprehensive Health Education)

The Superintendent or designee shall ensure that the meals offered by the district's food service program meet all legal requirements for participation in the National School Lunch and School Breakfast Programs.

The Superintendent or designee shall develop strategies designed to encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus. Parents/guardians are encouraged to support the district's nutrition education efforts by considering nutritional quality when selecting any snacks which they may donate for occasional class parties.

Legal Reference: (see next page)

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Legal Reference:

EDUCATION CODE

38080-38103 Cafeterias - establishment and use
45103.5 Contracts for management consulting services; restrictions
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49560 Meals for needy students
49570 National School Lunch Act

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

Management Resources:

WEB SITES

CDE, Nutrition Services Division: <http://www.cde.ca.gov/nsd/>
California Project L.E.A.N: <http://www.dhs.cahwnet.gov/lean>
U.S. Department of Agriculture; Child Nutrition Programs:
<http://www.fns.usda.gov/cnd/>

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 the Superintendent or designee, the Governing Board shall review and approve meal prices. Program financial reports shall be presented regularly to the Governing Board.

Meals may be offered to employees and Governing Board members as a matter of convenience. Since these meals may include federally donated food commodities, their price shall be set in accordance with state and federal guidelines.

Meals may be served to adults other than employees and Governing Board members who are on campus during meal times for a legitimate purpose, such as serving as a classroom volunteer. Since these meals may include federally donated food commodities, their price shall be set in accordance with state and federal guidelines.

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)

To increase 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.

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

(cf. 3553 - Free and Reduced Price Meals)

Contracts with Outside Providers

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

With Governing 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.

Legal Reference: (see next page)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Legal Reference:

EDUCATION CODE

38090-38095 Cafeterias, funds and accounts
38100-38103 Cafeterias, allocation of charges
42646 Alternate payroll procedure
45103.5 Contracts for management consulting services
49490-49493 School breakfast and lunch programs
49500-49505 School meals
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

Management Resources:

CDE MANAGEMENT ADVISORIES

0701.00 Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, No. 00-111

WEB SITES

CDE, Nutrition Services Division: <http://www.cde.ca.gov/nsd/>
U.S. Department of Agriculture; Child Nutrition Programs: <http://www.fns.usda.gov/cnd/>

Business and Noninstructional Operations

AR 3551(a)

FOOD SERVICE OPERATIONS/CAFETERIA FUND

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091, and 38092)

The cafeteria fund shall be used only for Governing Board-authorized expenditures necessary for the operation of school cafeterias as defined in the California School Accounting Manual or appropriately reported to the California Department of Education. (Education Code 38091, 38101)

These expenditures may include, but are not limited to, expenditures for the following: (Education Code 38091)

1. Construction, alteration, or improvement of a central food processing plant
2. Lease, purchase or installation of additional cafeteria equipment of the central food processing plant
3. Vending machines and their installation and housing
4. Computer equipment and related software
5. Lease or purchase of vehicles used primarily in connection with the central food processing plant

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

Any funds derived from the sale of cafeteria food and deposited in a Governing Board-established cafeteria equipment reserve shall be used only for the purchase, lease, maintenance or replacement of cafeteria equipment. (Education Code 38102)

Management Consulting Services

The term of any contract for management consulting services related to food services management shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5)

A contract for food service management consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits or other terms and conditions of employment of classified food service staff or positions. (Education Code 45103.5)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Health criteria established by the district for classified staff shall be applicable to all persons providing food service management consulting services. (Education Code 45103.5)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

FREE AND REDUCED PRICE MEALS

The Governing Board recognizes that adequate nutrition is essential to child development and learning and that some families may be unable to provide breakfast and lunch for their children. In accordance with law, the District shall provide nutritionally adequate free and reduced price meals for students whose families meet federal eligibility criteria.

The Superintendent or designee shall recommend, for Governing Board approval, a plan that ensures students eligible to receive free or reduced price meals and milk are not treated differently from other students or easily identified by their peers.

(cf. 0410 – Nondiscrimination in District Programs and Activities)
(cf. 5145.3 – Nondiscriminatory Harassment)

Upon approval, by the Governing Board, this plan shall be submitted to the California Department of Education for approval. (Education Code 49557)

All applications and records related to eligibility for the free or reduced price meal program shall be confidential except as provided by law. (Education Code 49558)

The Governing Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program for the purpose of:

1. Disaggregation of academic achievement data in accordance with federal and State law and regulation.
2. Identification of students eligible for school choice and supplemental educational services in any school identified for program improvement

(cf. 0520.2 – Title I Program Improvement Schools)
(cf. 5125 - Student Records)
(cf. 6162.51 - Student Testing and Reporting Program)
(cf. 6171 - Title I Programs)
(cf. 6190 - Evaluation of the Instructional Program)

The Governing Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information as provided by Education Code 49557.2.

(cf. 5141.6 – Student Health and Social Services)

FREE AND REDUCED PRICE MEALS (continued)

Legal Reference:

EDUCATION CODE

48980 Notice at Beginning of Term
49490-49493 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

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

1751-1769 National Lunch Programs
1771-1791 Child Nutrition

CODE OF FEDERAL REGULATIONS, TITLE 7

245.1 – 245.13 Determination of Eligibility for Free and Reduced Price Meals

Management Resources:

CDE LEGAL ADVISORIES

0325.98 Education Code Section 49558 LO: 1-98

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

USDA PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000.

WEB SITES

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

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

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

California Project LEAN: <http://www.californiaprojectlean.org>

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

Adopted: February 7, 2007

WALNUT VALLEY UNIFIED SCHOOL DISTRICT – BOARD POLICY

Business and Noninstructional Operations

AR 3553(a)

FREE AND REDUCED PRICE MEALS

The district's plan for students receiving free or reduced price meals shall set forth the following conditions: (Education Code 49557)

1. The names of the students shall not be published, posted or announced in any manner, or used for any other purpose other than the National School Lunch and School Breakfast Programs.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or milk.
4. The students shall not be required to use a separate dining area, go through a separate entrance, or consume their meals or milk at a different time.
5. When more than one lunch, breakfast or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price.

This plan shall be submitted to the California Department of Education for approval. (Education Code 49557)

Applications and Records

An application form for free or reduced price meals shall be distributed to all parents/guardians at the beginning of each school year, together with information about eligibility standards, application procedures and appeal procedures. This form and information shall also be provided whenever a new student is enrolled. (Education Code 49520, 48980)

(cf. 5145.6 - Parental Notifications)

Applications for free or reduced price meal programs shall be available to students at all times during the regular school day and shall contain the following statements: (Education Code 49557)

1. Applications for free or reduced price meals may be submitted at any time during a school day.
2. Children participating in the National School Lunch and School Breakfast Programs will not be overtly identified by the use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.

FREE AND REDUCED PRICE MEALS (continued)

All applications and records related to eligibility for the free or reduced price meal program shall be confidential. They shall be open to examination only for purposes of this program or for any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any free and reduced price meal program. (Education Code 49558)

The Governing Board designates the following district employees to use individual records pertaining to student participation in the free or reduced price meal program solely for the purpose of disaggregation of academic achievement data:

Assistant Superintendent - Elementary Educational Services (or designee)

Assistant Superintendent – Secondary Educational Services (or designee)

In using these records for that purpose, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free or reduced price meal program shall be maintained in the permanent records of any students if not otherwise allowed by law.

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free or reduced price meal program shall not be publicly released.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

3. All other confidentiality provisions required by law shall be met.

OTHER FOOD SALES

The Governing Board believes that foods and beverages sold to students on school campuses during the school day should promote student health and reduce childhood obesity. Any food sales conducted outside the District's Food Services Program shall meet nutritional standards specified in law, Board Policy and Administrative Regulations, and shall not reduce student participation in the District's Food Services Program.

(cf. 5030 – Student Wellness)

The Governing Board authorizes the Superintendent or designee to approve the sale of foods and beverages outside the District's Food Services Program, including sales by student or adult organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes.

(cf. 3550 – Food Service/Child Nutrition Program)
(cf. 3551 – Food Service Operations/Cafeteria Fund)
(cf. 3553 – Free and Reduced Price Meals)

Food sales are prohibited during school hours, and within one hour before and after school hours, unless the organization is legally organized as a nonpartisan, charitable organization, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved in accordance with Board Policy. (Education Code 51520)

(cf. 1230 – School-Connected Organizations)
(cf. 1321 – Solicitations of Funds from and by Students)

When vending machines are sponsored by the District or a student or adult organization, the Superintendent or designee shall determine how and where vending machines may be placed at school sites, District Office, or other school facilities.

(cf. 3312 – Contracts)

Legal Reference:

EDUCATION CODE

38085 Sale of Specified Food Items
48931 Authorization and Sale of Food
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
51520 School Premises; Prohibited Solicitations

CODE OF REGULATIONS, TITLE 5

15500 Food Sales in Elementary Schools
15501 Sales in High Schools and Junior High Schools

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law, including: 114200-114245 Vending Machines

OTHER FOOD SALES (continued)

Legal Reference (continued):

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Act, including: 1751 Note Local Wellness Policy

1771-1791 Child Nutrition

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CSBA POLICY BRIEFS

The New Nutrition Standards: Implications for Student Wellness Policies, November 2005

CSBA PUBLICATIONS

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005

CENTERS FOR DISEASE CONTROL PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

Associated Student Body Accounting Manual and Desk Reference, 2002

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

California Association of School Business Officials: <http://www.casbo.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>

Diary Council of California: <http://www.diarycouncilofca.org>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

National Association of State Boards of Education (NASBE): <http://www.nasbe.org>

National School Boards Association: <http://www.nsba.org>

U.S. Dept. of Agriculture, Food and Nutrition Information Center (FNIC):

<http://www.nal.usda.gov/fnic>

Adopted: February 7, 2007

OTHER FOOD SALES

The sale of foods during meal periods in food service areas shall be allowed only if all income from the sale, including the sale of approved foods or drinks from vending machines, accrues to the benefit of the school, the school food service program, or the student organization(s) sponsoring the sale. (7 CFR 210.11, 220.12)

In order to be eligible to conduct food sales during school hours and within one hour before and one hour after school hours, organizations not under the control of school authorities (e.g., a parent/guardian group or outside group) must be legally organized for charitable and nonpartisan purposes pursuant to Education Code 51520.

Additional Requirements for the Sale of Food Items by Student Organizations

Student organizations may sell nutritious food items approved by the Governing Board only if such sales are conducted in compliance with 5 CCR 15500-15501. Items sold during the regular school day must not be food items prepared on school premises or sold in the food service program at school during that day. (5 CCR 15500-15501)

In schools with any of grades kindergarten through 8, a student organization may sell not more than one food item per sale. The food item sold shall be a dessert-type food such as pastry, ice cream or fruit, and there shall be no more than four such sales per year per school. In addition, these sales shall not begin until after the close of the regularly scheduled midday food service period. (5 CCR 15500)

In high schools and junior high schools, a student organization may be approved to sell food at any time during the school day, including the regularly scheduled food service periods. Only one organization each school day may sell no more than three types of food or beverage items at any time during the school day. In addition, up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items. (5 CCR 15501)

Definitions

Nutritious beverage means:

- Drinking water
- Milk, including chocolate milk, soy milk, rice milk, and other similar dairy or nondairy milk
- An electrolyte replacement beverage that contains 42 grams or less of added sweetener per 20 ounce serving
- A 100 percent fruit juice, or fruit-based drank that is composed of 50 percent or more fruit juice and that has no added sweeteners

Added sweetener means any additive that enhances the sweetness of the beverage, including, but not limited to, added sugar but not the natural sugar or sugars that are contained within any fruit juice that is a component of the beverage.