

FOOD SERVICE OPERATIONS/CAFETERIA FUND

The Board of Trustees 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.

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 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 on campus for a legitimate purpose. 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. 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.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments. Such procedures shall conform with BP/AR 3553 - Free and Reduced Price Meals, 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.

The Superintendent or designee shall ensure that a student whose parent/guardian has unpaid school meal fees or a student who is enrolled in the free or reduced-price meal program is not overtly identified by the use of special tokens, tickets, or other means and is not shamed, treated differently, or denied a meal of the student's choice. (Education Code 49557, 49557.5)

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.

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, quality of the domestic product is inferior to the quality of the nondomestic product, or the bid price of the nondomestic product is more than 25 percent lower than the bid 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)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

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 for 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.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

[12 CCR 18928-18998.4](#)
5 CCR 15550-15565

Ed. Code 38080-38086

Ed. Code 38090-38095

Ed. Code 38100-38103

Ed. Code 42646

Ed. Code 45103.5

[Ed. Code 49010](#)

[Ed. Code 49431](#)

Description

[Short-lived climate pollutants](#)

School lunch and breakfast programs

[School meals](#)

[Cafeterias; funds and accounts](#)

[Cafeterias; allocation of charges](#)

[Alternate payroll procedure](#)

[Contracts for management consulting services; restrictions](#)

[Educational activity; definition](#)

[The Pupil Nutrition, Health, and Achievement Act of 2001](#)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49500-49505 49501.5-49506	School meals
Ed. Code 49550.3-49564.5	Meals for needy students
Ed. Code 49554	Contract for services
Ed. Code 49580-49581	Food recovery program
F&A Code 58595	Preference for California-grown agricultural products
F&A Code 58596.1-58596.5	Buy American Food Act; purchase of nondomestic agricultural food products
H&S Code 113700-114437	California Retail Food Code; sanitation and safety requirements
Pub. Cont. Code 2000-2002	Responsive bidders
Pub. Cont. Code 20111	Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
Pub. Cont. Code 3410	U.S. produce and processed foods
Federal	Description
2 CFR 200	Appendix VII Indirect cost proposals
2 CFR 200.318-200.326	Procurement standards
2 CFR 200.400-200.475	Cost principles
2 CFR 200.56	Indirect costs; definition
42 USC 1751-1769j	School Lunch Program
42 USC 1771-1793	Child Nutrition Act
42 USC 1773	School Breakfast Program
7 CFR 210.1-210.31	National School Lunch Program
7 CFR 210.1-210.33	National School Lunch Program
7 CFR 220.1-220.21	National School Breakfast Program
7 CFR 220.1-220.22	National School Breakfast Program
7 CFR 245.8	Nondiscrimination practices for students eligible for free and reduced price meal and free milk
7 CFR 250.1-250.70	USDA foods

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Management Resources	Description
CA Department of Education Publication	California School Accounting Manual
<u>CA Dept of Social Services Publication</u>	<u>Food Distribution Program Administrative Manual</u>
<u>California Department of Education</u>	<u>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</u>
<u>California Department of Education</u>	<u>Excess Net Cash Resources – Revised to Increase Limitation, NSD Management Bulletin, SNP-04-2022, May 2022</u>
California Department of Education Publication	Pricing of Adult Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, SNP-04-2021, August 2021
California Department of Education Publication	Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015, January 2015
<u>California Department of Education Publication</u>	<u>Professional Standards in the SNP's, NSD Management Bulletin, SNP-13-2020, rev. January 2022</u> <u>(https://www.cde.ca.gov/ls/nu/sn/mbsnp132020.asp)</u>
California Department of Education Publication	Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-05-2020, February 2020
California Department of Education Publication	Food Distribution Program Administrative Manual
California Department of Education Publication	Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018
U.S. Department of Agriculture Publication	Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016
U.S. Department of Agriculture Publication	Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP-38-2017, June 2017
U.S. Department of Agriculture Publication	Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP-46-2016, July 2016
U.S. Dept of Agriculture Publication	School Meals - FAQs
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service
<u>Website</u>	California Department of Social Services (https://www.cdss.ca.gov/)
Website	California Department of Education, Nutrition Services Division
Website	California School Nutrition Association

Cross References-Codes

	Description
0410	Nondiscrimination In District Programs And Activities
1113	District And School Websites
1113	District And School Websites
1340	Access To District Records
1340	Access To District Records
3100	Budget
3100	Budget
3110	Transfer Of Funds
3230	Federal Grant Funds
3230	Federal Grant Funds
3260	Fees And Charges
3260	Fees And Charges
3300	Expenditures And Purchases
3311	Bids
3311	Bids
3312	Contracts
3314.2	Revolving Funds
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
<u>3510</u>	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

3512	Equipment
3512-E PDF(1)	Equipment
3515.6	Criminal Background Checks For Contractors
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3554	Other Food Sales
3554	Other Food Sales
3555	Nutrition Program Compliance
3555-E PDF(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4112.4	Health Examinations
4212	Appointment And Conditions Of Employment
4212.4	Health Examinations
4231	Staff Development
4312.4	Health Examinations
4331	Staff Development
5030	Student Wellness
5145.6	Parent/Guardian Notifications
5145.6-E PDF(1)	Parent/Guardian Notifications

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Payments for Meals

The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

At the beginning of the school year, the Superintendent or designee shall communicate the District's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of applications at the start of the school year
4. Posting the policy on the District's web site

Reimbursement Claims

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

~~Donation of Leftover Food~~ Minimizing Food Waste and Reducing Food Insecurity

The District shall take steps to minimize food waste and reduce food insecurity in district schools. (Health and Safety Code 114079)

The Superintendent or designee shall arrange to recover the maximum amount of edible food that would otherwise be disposed for donation to a local food recovery organization. (14 CCR 18991.3)

The District may also provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce that complies with Health and Safety Code 113992, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

The Superintendent or designee shall maintain records related to edible food recovery including a list of each food recovery service or organization that collects or receives the District's edible food, contact information for the service or organization, the types of food, frequency, and quantity that will be collected or hauled by the District, and a copy of contracts or written agreements between the District and food recovery services or organizations. (14 CCR 18991.4)

Cafeteria Fund and Account

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. (Education Code 38090, 38093)

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

The District may use cafeteria funds to supplement the provision of a nutritionally adequate breakfast and/or lunch to District students when permitted by law.

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

Indirect costs charged to the food service program shall be based on either the District's prior year indirect cost rate as approved by CDE or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

Net cash resources in the nonprofit school food service shall not exceed three months average expenditures. (7 CFR 210.14, 220.7)

U.S. Department of Agriculture Foods

The District shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The District shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the District's nonprofit food service account. (7 CFR 250.59)

Contracts with Outside Services

The term of any contract for food service management or consulting services 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; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The District shall retain control of the quality, extent, and general nature of its food services. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for 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. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)*Policy Reference Disclaimer:*

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12 CCR 18928-18998.4	Short-lived climate pollutants
5 CCR 15550-15565	School lunch and breakfast programs
Ed. Code 38080-38086	School meals
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Ed. Code 38100-38103	Cafeterias; allocation of charges
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Ed. Code 45103.5	Contracts for management consulting services; restrictions
<u>Ed. Code 49010</u>	<u>Educational activity; definition</u>
<u>Ed. Code 49431</u>	<u>The Pupil Nutrition, Health, and Achievement Act of 2001</u>
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49500-49505 <u>49501.5-49506</u>	School meals
Ed. Code 49550.3-49564.5	Meals for needy students
Ed. Code 49554	Contract for services
Ed. Code 49580-49581	Food recovery program
F&A Code 58595	Preference for California-grown agricultural products
F&A Code 58596.1-58596.5	Buy American Food Act; purchase of nondomestic agricultural food products
H&S Code 113700-114437	California Retail Food Code; sanitation and safety requirements
Pub. Cont. Code 2000-2002	Responsive bidders
Pub. Cont. Code 20111	Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
Pub. Cont. Code 3410	U.S. produce and processed foods
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2 CFR 200.318-200.326	Procurement standards
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42 USC 1771-1793	Child Nutrition Act
42 USC 1773	School Breakfast Program
7 CFR 210.1-210.33	National School Lunch Program
7 CFR 245.8	Nondiscrimination practices for students eligible for free and reduced price meal and free milk
7 CFR 250.1-250.70	USDA foods

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California Department of Education Publication	Excess Net Cash Resources – Revised to Increase Limitation, NSD Management Bulletin, SNP-04-2022, May 2022
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<u>California Department of Education</u>	<u>Professional Standards in the SNPs, NSD Management Bulletin, SNP-13-2020, rev, January 2022</u> <u>(https://www.cde.ca.gov/ls/nu/sn/mbsnp132020.asp)</u>
California Department of Education Publication	Cafeteria Funds - Allowable Uses, NSD Management Bulletin, SNP-05-2020, February 2020
U.S. Department of Agriculture Publication	Buy American and the Agriculture Improvement Act of 2018, SP-32-2019, August 2019
U.S. Department of Agriculture Publication	Procuring Local Foods for Child Nutrition Programs, January 2022
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
U.S. Department of Agriculture Publication	Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP-38-2017, June 2017
U.S. Department of Agriculture Publication	Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014
U.S. Department of Agriculture Publication	Indirect Costs: Guidance for State Agencies and School Food Authorities, SP 60-2016, September 2016
U.S. Dept of Agriculture Publication Website	School Meals - FAQs CalRecycle, Resources for Local Education Agencies: K-12 Public Schools and School Districts
<u>U.S. Department of Education</u>	<u>Professional Standards in the SNPs, NSD Management Bulletin, SNP-13-2020, rev. January 2022</u> <u>(https://www.cde.ca.gov/ls/nu/sn/mbsnp132020.asp)</u>

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Website	California Department of Education, Accounting
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service
Website	California Department of Education, Nutrition Services Division California Department of Education, School Nutrition (https://www.cde.ca.gov/ls/nu/sn/)
Website	California School Nutrition Association
Cross References-Codes	Description
0410	Nondiscrimination In District Programs And Activities
1113	District And School Websites
1113-E(1)	District And School Websites
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3311	Bids
3312	Contracts
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3510	Green School Operations
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3512	Equipment
3512-E(1)	Equipment
3515.6	Criminal Background Checks For Contractors
3550	Food Service/Child Nutrition Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
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3555-E(1)	Nutrition Program Compliance
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4112.4	Health Examinations
4212	Appointment And Conditions Of Employment
4212.4	Health Examinations
4231	Staff Development
4312.4	Health Examinations
4331	Staff Development
5030	Student Wellness
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications

NUTRITION PROGRAM COMPLIANCE

The Board of Trustees recognizes the District's responsibility to comply with state and federal nondiscrimination laws as they apply to the District's nutrition programs. The District shall not deny any individual the benefits or service of any nutrition program or discriminate on any basis prohibited by law.

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

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

~~(cf. 3552 Summer Meal Program)~~

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

~~(cf. 5030 Student Wellness)~~

Compliance Coordinator

The Board shall designate a compliance coordinator for nutrition programs, who may also be the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures, to ensure compliance with the laws governing the District's nutrition programs.

The responsibilities of the compliance coordinator include, but are not limited to:

1. Providing the name of the compliance coordinator, and the Section 504 coordinator, and Title IX coordinator, if different from the compliance coordinator, to the California Department of Education (CDE) and other interested parties

~~(cf. 6164.6 Identification and Education Under Section 504)~~

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

~~(cf. 6159 Individualized Education Program)~~

4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants

NUTRITION PROGRAM COMPLIANCE (continued)

5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below
6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities
8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet

(cf. 5141.27—Food Allergies/Special Dietary Needs)

9. Implementing procedures to process and resolve civil rights (complaints, including alleged discrimination) complaints on the basis of race, color, national origin, age, sex, sexual orientation, gender identity, or disability, and program-related complaints, including maintaining a complaint log, working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state or federal agency when necessary
10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

(cf. 5022—Students and Family Privacy Rights)

(cf. 5125—Student Records)

(cf. 5145.13—Response to Immigration Enforcement)

Notifications

The compliance coordinator shall ensure that the U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Service is displayed in areas visible to the District's nutrition program participants, such as food service areas and school offices.

The compliance coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their rights and responsibilities and steps necessary to participate in the nutrition programs including program requirements and program availability. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be filed anonymously or by a third party.

NUTRITION PROGRAM COMPLIANCE (continued)

In addition, the compliance coordinator shall ensure that all forms of communication available to the public regarding program availability shall contain, in a prominent location, ~~a~~ the most current version of the nondiscrimination statement provided by USDA about the District's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the District.

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude items such as cups, buttons, magnets, menus and pens that identify the program when the size or configuration makes it impractical. The nondiscrimination statement need not be included on every page of program information on the District's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, as provided by USDA, may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints of Discrimination

A complaint alleging discrimination in the District's nutrition program(s) on the basis of race, color, national origin, sex, sexual orientation, gender identity, age, or disability shall, within 180 days of the alleged discriminatory, to be filed or referred to USDA at any of the following: (5 CCR 15582)

Mail: U.S. Department of Agriculture,
Office of the Assistant Secretary for Civil Rights,
1400 Independence Avenue, SW,
Washington, D.C. 20250-9410;

Phone: (866) 632-9992, (800) 877-8339 (Federal Relay Service -- English, deaf, hard of hearing, or speech disabilities), (800) 845-6136 (Federal Relay Service - Spanish);
~~fax~~

Fax: (833) 256-1665 or (202) 690-7442, ~~or email~~

Email: program.intake-@usda.gov.

Complaints of discrimination on any other basis shall be investigated by the District using the process identified in AR 1312.3 - Uniform Complaint Procedures.

(~~cf. 1312.3 - Uniform Complaint Procedures~~)

NUTRITION PROGRAM COMPLIANCE (continued)**Complaints Regarding Noncompliance with Program Requirements**

Any complaint alleging that the District has not complied with program requirements pertaining to meal counting and claiming, reimbursable meals, eligibility of a child or adult, use of cafeteria funds and allowable expenses in relation to any child nutrition program specified in Education Code 49550-49564.5 shall be filed with or referred to CDE. (Education Code 49556; 5 CCR 15584)

Complaints against a program operator that is not an educational agency shall be filed with or referred to CE. (5 CCR 15584)

Complaints of noncompliance with any other nutrition program requirements shall be submitted to and investigated by the District using the following procedures.

Complaints may be filed by a student or the student's ~~parent/guardian~~ duly authorized representative by phone, email, or letter. The complaint shall be submitted within one year from the date of the alleged violation and shall include the following: (5 CCR 15581)

1. A statement that the District has violated a law or regulation relating to its child nutrition program
2. The facts on which the statement is based
3. The name of the District or the school against which the allegations are made
4. The complainant's contact information
5. The name of the student if alleging violations regarding a specific student

The District shall investigate and prepare a written report pursuant to 5 CCR 4631. (5 CCR 15583)

Unless extended by written agreement with the complainant, the District's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 30 calendar days of the District's receipt of the complaint. If the complainant is dissatisfied with the compliance coordinator's decision, the complainant may, within five business days, file the complaint in writing with the Board.

The Board shall consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered pursuant to 5 CCR 4631. When required by law, the matter shall be considered in closed session. The Board may decide not to consider the complaint, in which case the coordinator's decision shall be final.

(cf. 9321—Closed Session)

NUTRITION PROGRAM COMPLIANCE (continued)

If the Board considers the complaint, the Board's decision shall be sent to the complainant within 60 calendar days of the ~~d~~District's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

If the complainant is not satisfied with the findings in the district's report, the complainant may appeal the decision to CDE by filing a written appeal within 30 days of receiving the decision. (5 CCR 4632)

*Legal Reference:*EDUCATION CODE~~200-262.4 Prohibition of discrimination~~~~42238.01 Definitions for purposes of funding~~~~48985 Notices to parents in language other than English~~~~49060-49079 Student records~~~~49490-49590 Child nutrition programs~~PENAL CODE~~422.6 Interference with constitutional right or privilege~~CODE OF REGULATIONS, TITLE 5~~3080 Application of section~~~~4600-4687 Uniform complaint procedures~~~~4900-4965 Nondiscrimination in elementary and secondary education programs~~~~15580-15584 Child nutrition programs complaint procedures~~UNITED STATES CODE, TITLE 20~~1400-1482 Individuals with Disabilities Education Act~~~~1681-1688 Discrimination based on sex or blindness, Title IX~~UNITED STATES CODE, TITLE 29~~794 Section 504 of the Rehabilitation Act of 1973~~UNITED STATES CODE, TITLE 42~~2000d-2000d-7 Title VI, Civil Rights Act of 1964~~~~2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended~~~~12101-12213 Americans with Disabilities Act~~CODE OF FEDERAL REGULATIONS, TITLE 7~~210.19 National School Lunch Program, additional responsibilities~~~~210.23 National School Lunch Program, district responsibilities~~~~215.7 Special Milk Program, requirements for participation~~~~215.14 Special Milk Program, nondiscrimination~~~~220.7 School Breakfast Program, requirements for participation~~~~220.13 School Breakfast Program, special responsibilities of state agencies~~~~225.3 Summer Food Service Program, administration~~~~225.7 Summer Food Service Program, program monitoring and assistance~~~~225.11 Summer Food Service Program, corrective action procedures~~~~226.6 Child and Adult Care Food Program, state agency administrative responsibilities~~~~250.15 Out-of-condition donated foods, food recalls, and complaints~~CODE OF FEDERAL REGULATIONS, TITLE 28~~35.101-35.190 Americans with Disabilities Act~~~~36.303 Nondiscrimination on the basis of disability, public accommodations, auxiliary aids and services~~CODE OF FEDERAL REGULATIONS, TITLE 34~~100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI~~~~104.1-104.39 Section 504 of the Rehabilitation Act of 1973~~~~106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:~~~~106.9 Dissemination of policy~~

NUTRITION PROGRAM COMPLIANCE (continued)*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSCivil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, June 2018U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONSCivil Rights Compliance and Enforcement – Nutrition Programs and Activities, FNS Instruction 113-1, November 2005U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONSNotice of Non-Discrimination, August 2010WEB SITESCalifornia Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>U.S. Department of Agriculture, Food and Nutrition Services: <http://www.fns.usda.gov>U.S. Department of Agriculture, Office for Civil Rights: <http://www.acer.usda.gov>U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/oe>*Policy Reference Disclaimer:*

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State5 CCR 15580-155845 CCR 30805 CCR 4600-46705 CCR 4900-4965Ed. Code 200-262.4Ed. Code 42238.01Ed. Code 48985Ed. Code 49060-49079Ed. Code 49490-49590Pen. Code 422.6**Federal**20 USC 1400-148220 USC 1681-168828 CFR 35.101-35.19028 CFR 36.30329 USC 79434 CFR 100.1-100.13**Description**Child nutrition programs compliant proceduresApplicability of uniform complaint procedures to complaints regarding students with disabilitiesUniform complaint proceduresNondiscrimination in elementary and secondary educational programs receiving state or federal financial assistanceProhibition of discriminationDefinitions for purposes of fundingNotices to parents in language other than EnglishStudent recordsChild nutrition programsCrimes; harassment**Description**Individuals with Disabilities Education Act Title IX of the Education Amendments of 1972; discrimination based on sexAmericans with Disabilities ActNondiscrimination on the basis of disability; public accommodations, auxiliary aids and servicesRehabilitation Act of 1973; Section 504Nondiscrimination in federal programs; effectuating Title VI

NUTRITION PROGRAM COMPLIANCE (continued)

<u>34 CFR 104.1-104.39</u>	<u>Section 504 of the Rehabilitation Act of 1973</u>
<u>34 CFR 106.1-106.61</u>	<u>Discrimination on the basis of sex,;</u>
	<u>effectuating Title IX</u>
<u>34 CFR 106.9</u>	<u>Severability</u>
<u>42 USC 12101-12213</u>	<u>Americans with Disabilities Act</u>
<u>42 USC 2000d-2000d-7</u>	<u>Title VI, Civil Rights Act of 1964</u>
<u>42 USC 2000e-2000e-17</u>	<u>Title VII, Civil Rights Act of 1964, as</u>
	<u>amended</u>
<u>7 CFR 210.19</u>	<u>National School Lunch Program; additional</u>
	<u>responsibilities</u>
<u>7 CFR 210.23</u>	<u>National School Lunch Program; district</u>
	<u>responsibilities</u>
<u>7 CFR 215.14</u>	<u>Special Milk Program; nondiscrimination</u>
<u>7 CFR 215.7</u>	<u>Special Milk Program; requirements for</u>
	<u>participation</u>
<u>7 CFR 220.13</u>	<u>School Breakfast Program; special</u>
	<u>responsibilities of state agencies</u>
<u>7 CFR 220.7</u>	<u>School Breakfast Program; requirements for</u>
	<u>participation</u>
<u>7 CFR 225.11</u>	<u>Summer Food Service Program; corrective</u>
	<u>action procedures</u>
<u>7 CFR 225.3</u>	<u>Summer Food Service Program;</u>
	<u>administration</u>
<u>7 CFR 225.7</u>	<u>Summer Food Service Program; program</u>
	<u>monitoring</u>
<u>7 CFR 226.6</u>	<u>Child and Adult Care Food Program; state</u>
	<u>agency administrative responsibilities</u>
<u>7 CFR 250.15</u>	<u>Out-of-condition donated foods, food recalls,</u>
	<u>and complaints</u>
<u>Management Resources</u>	<u>Description</u>
<u>California Department of Education</u>	<u>Civil Rights and Complaint Procedures for</u>
<u>Publication</u>	<u>the, U.S. Department of Agriculture Child</u>
	<u>Nutrition Programs, June 2018</u>
<u>U.S. Department of Agriculture Publication</u>	<u>Civil Rights Compliance and Enforcement –</u>
	<u>Nutrition Programs and Activities, FNS</u>
	<u>Instruction 113-1, November 2005</u>
<u>U.S. Department of Agriculture Publication</u>	<u>Application of Bostock v. Clayton County to</u>
	<u>Program Discrimination Complaint Processing</u>
	<u>– Policy Update, CRD 01-2022, May 2022</u>
<u>U. S. Department of Agriculture Publication</u>	<u>USDA Nondiscrimination Statement,</u>
	<u>December 2022</u>
<u>U.S. DOE Office for Civil Rights Publication</u>	<u>Notice of Non-Discrimination, August 2010</u>

NUTRITION PROGRAM COMPLIANCE (continued)

<u>Website</u>	<u>CSBA District and County Office of Education Legal Services</u>
<u>Website</u>	<u>U.S. Department of Agriculture, Office for Civil Rights</u>
<u>Website</u>	<u>U.S. Department of Agriculture, Food and Nutrition Service</u>
<u>Website</u>	<u>U. S. Department of Agriculture, And Justice for All Posters</u>
<u>Website</u>	<u>California Department of Education, Nutrition Services Division</u>
<u>Website</u>	<u>U.S. Department of Education, Office for Civil Rights</u>

Cross References

<u>Code</u>	<u>Description</u>
<u>0410</u>	<u>Nondiscrimination In District Programs And Activities</u>
<u>1100</u>	<u>Communication With The Public</u>
<u>1312.1</u>	<u>Complaints Concerning District Employees</u>
<u>1312.1</u>	<u>Complaints Concerning District Employees</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(1)</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(2)</u>	<u>Uniform Complaint Procedures</u>
<u>3312</u>	<u>Contracts</u>
<u>3550</u>	<u>Food Service/Child Nutrition Program</u>
<u>3550</u>	<u>Food Service/Child Nutrition Program</u>
<u>3551</u>	<u>Food Service Operations/Cafeteria Fund</u>
<u>3551</u>	<u>Food Service Operations/Cafeteria Fund</u>
<u>3552</u>	<u>Summer Meal Program</u>
<u>3552</u>	<u>Summer Meal Program</u>
<u>3553</u>	<u>Free And Reduced Price Meals</u>
<u>3553</u>	<u>Free And Reduced Price Meals</u>
<u>4231</u>	<u>Staff Development</u>
<u>5022</u>	<u>Student And Family Privacy Rights</u>
<u>5022</u>	<u>Student And Family Privacy Rights</u>
<u>5030</u>	<u>Student Wellness</u>
<u>5125</u>	<u>Student Records</u>
<u>5125</u>	<u>Student Records</u>
<u>5141.27</u>	<u>Food Allergies/Special Dietary Needs</u>
<u>5141.27</u>	<u>Food Allergies/Special Dietary Needs</u>
<u>5145.13</u>	<u>Response To Immigration Enforcement</u>
<u>5145.13</u>	<u>Response To Immigration Enforcement</u>
<u>5145.6</u>	<u>Parent/Guardian Notifications</u>
<u>5145.6-E(1)</u>	<u>Parent/Guardian Notifications</u>
<u>6159</u>	<u>Individualized Education Program</u>

NUTRITION PROGRAM COMPLIANCE (continued)

<u>6159</u>	<u>Individualized Education Program</u>
<u>6164.6</u>	<u>Identification And Education Under Section 504</u>
<u>6164.6</u>	<u>Identification And Education Under Section 504</u>
<u>9321</u>	<u>Closed Session</u>
<u>9321-E(1)</u>	<u>Closed Session</u>
<u>9321-E(2)</u>	<u>Closed Session</u>

NUTRITION PROGRAM COMPLIANCE

NONDISCRIMINATION STATEMENT FOR NUTRITION PROGRAMS

The following statement shall be included, in a prominent location, on all forms available to the public regarding the availability of the District's child nutrition programs:

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, ~~the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are~~ this institution is prohibited from discriminating based on the basis of race, color, national origin, sex, (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity ~~in any program or activity conducted or funded by USDA.~~

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication ~~for~~ to obtain program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the ~~Agency (State responsible state or local) where they applied for benefits.~~ Individuals who are deaf, hard of hearing agency that administers the program or have speech disabilities may USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. ~~Additionally, program information may be made available in languages other than English.~~

To file a program ~~complaint of discrimination,~~ complaint, a Complainant should complete ~~the~~ a form AD-3027, USDA Program Discrimination Complaint Form, (~~AD-3027~~) ~~found~~ which can be obtained online at: <https://www.asec.usda.gov/filing-program-discrimination-complaint-usda-customer>, and ~~at~~ sites/default/files/documents/ad-3027.pdf, from any USDA office, by calling (866) 632-9992, or ~~write~~ by writing a letter addressed to the USDA and ~~provide in the~~ The letter ~~all~~ must contain the complainant's name, address, telephone number, and a written description of the information requested in alleged discriminatory action in sufficient detail to inform the form. ~~To request a copy of~~ Assistant Secretary for Civil Rights (ASCR) about the complaint form, call (866) 632-9992. ~~Submit your~~ nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
- (2) fax: (833 256-1665 or (202) 690-7442; or
- (3) email: ~~program.intake~~ Program.Intake@usda.gov

This institution is an equal opportunity provider."

NUTRITION PROGRAM COMPLIANCE

On pamphlets, brochures, and flyers, in the same print size as the rest of the text, the District may print a short version of the nondiscrimination statement, as follows:

"This institution is an equal opportunity provider."

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State

5 CCR 15580-15584

5 CCR 3080

5 CCR 4600-4670

5 CCR 4900-4965

Ed. Code 200-262.4

Ed. Code 42238.01

Ed. Code 48985

Ed. Code 49060-49079

Ed. Code 49490-49590

Pen. Code 422.6

Federal

20 USC 1400-1482

20 USC 1681-1688

28 CFR 35.101-35.190

28 CFR 36.303

29 USC 794

34 CFR 100.1-100.13

34 CFR 104.1-104.39

34 CFR 106.1-106.61

34 CFR 106.9

42 USC 12101-12213

42 USC 2000d-2000d-7

Description

Child nutrition programs complaint procedures

Applicability of uniform complaint procedures to complaints regarding students with disabilities

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Prohibition of discrimination

Definitions for purposes of funding

Notices to parents in language other than English

Student records

Child nutrition programs

Crimes; harassment

Description

Individuals with Disabilities Education Act Title IX of the Education Amendments of 1972; discrimination based on sex

Americans with Disabilities Act

Nondiscrimination on the basis of disability, public accommodations, auxiliary aids and services

Rehabilitation Act of 1973; Section 504

Nondiscrimination in federal programs, effectuating Title VI

Section 504 of the Rehabilitation Act of 1973

Discrimination on the basis of sex, effectuating Title IX

Severability

Americans with Disabilities Act

Title VI, Civil Rights Act of 1964

NUTRITION PROGRAM COMPLIANCE

<u>42 USC 2000e-2000e-17</u>	<u>Title VII, Civil Rights Act of 1964, as amended</u>
<u>7 CFR 210.19</u>	<u>National School Lunch Program; additional responsibilities</u>
<u>7 CFR 210.23</u>	<u>National School Lunch Program; district responsibilities</u>
<u>7 CFR 215.14</u>	<u>Special Milk Program; nondiscrimination</u>
<u>7 CFR 215.7</u>	<u>Special Milk Program; requirements for participation</u>
<u>7 CFR 220.13</u>	<u>School Breakfast Program; special responsibilities of state agencies</u>
<u>7 CFR 220.7</u>	<u>School Breakfast Program; requirements for participation</u>
<u>7 CFR 225.11</u>	<u>Summer Food Service Program; corrective action procedures</u>
<u>7 CFR 225.3</u>	<u>Summer Food Service Program; administration</u>
<u>7 CFR 225.7</u>	<u>Summer Food Service Program; program monitoring</u>
<u>7 CFR 226.6</u>	<u>Child and Adult Care Food Program; state agency administrative responsibilities</u>
<u>7 CFR 250.15</u>	<u>Out-of-condition donated foods, food recalls, and complaints</u>

Management Resources

[California Department of Education Publication](#)

[U.S. Department of Agriculture Publication](#)

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

[U.S. DOE Office for Civil Rights Publication](#)

[Website](#)

[Website](#)

[Website](#)

[Website](#)

[Website](#)

Description

[Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, June 2018](#)

[Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, FNS Instruction 113-1, November 2005](#)

[USDA Nondiscrimination Statement, December 2022](#)

[Notice of Non-Discrimination, August 2010](#)

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

[U.S. Department of Agriculture, Office for Civil Rights](#)

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

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

[U.S. Department of Education, Office for Civil Rights](#)

NUTRITION PROGRAM COMPLIANCE**Cross References**

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<u>0410</u>	<u>Nondiscrimination In District Programs And Activities</u>
<u>1100</u>	<u>Communication With The Public</u>
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<u>9321</u>	<u>Closed Session</u>
<u>9321-E(1)</u>	<u>Closed Session</u>
<u>9321-E(2)</u>	<u>Closed Session</u>