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Can California public schools design their own school meal program?

by Ed Wilkins and Dana Woldow

When parents are dissatisfied with their school's meal program, they sometimes think that the quickest and easiest way to improve things would be to secede from the National School Lunch Program and its burdensome rules, or for volunteers to take over and run the program differently. This Q & A explains the challenges of trying to implement such ideas in California, using the San Francisco Unified School District as an example.

Q. Could parent volunteers or school staff take over the cafeteria and run their own meal program for a San Francisco public school?

A. This idea sounds appealing, but unfortunately federal regulation of school meal programs does not allow this. SFUSD cafeterias operate under the exacting regulations set by the National School Lunch Program (NSLP), which reimburses the school district for low-income students' meals. The NSLP is administered by the US Department of Agriculture and the California Department of Education.

SFUSD is the School Food Authority (SFA) that has been approved to operate under the NSLP. *The California Department of Education states that non-charter district schools are not allowed by federal regulations to be their own SFA.* So, parents, school staff or other volunteers could not take over the meal service at most schools.

The only exception is some charter schools (those which are "direct funded", as opposed to those which are "locally funded") are able to serve as their own SFA and operate under the NSLP. You can determine whether a charter school is direct funded or locally funded by looking at the school API base report on the California Department of Education website; this information appears at the top of the report, just below "school type." Note that SFUSD cannot process meal applications for any charter school that chooses to be its own SFA.

Q. Our direct funded charter school is going to be its own SFA. Do we have to operate under the NSLP?

A. No; schools are not required to be part of the NSLP. But, it is important to note that all public schools in California (even those direct-funded charters that want to be their own SFA and operate outside of the NSLP) **MUST** offer at least one "nutritionally adequate" meal per day at no charge to their low income students; this part of the state education code is called the State Meal Mandate. The definition of "nutritionally adequate" means meeting NSLP regulations.

The state provides a small reimbursement, about 21 cents, for this purpose. Schools that are their own SFA are not required to participate in the NSLP, but only those that do can receive the higher (but still insufficient) federal free meal reimbursement, which was \$2.94 in 2012-13.

Thus, whether or not a charter school that is its own SFA chooses to participate in the NSLP, the school is still required to collect and process free and reduced price meal applications; to offer low income students at least one free meal per day which meets NSLP standards; and to abide by all NSLP regulations. The only difference is that if the school does not operate under the NSLP, the only reimbursement it will receive is the 21 cents from the state.

Q. What if our school stays with the district meal program, but we want to bring in a guest chef or parent volunteers to scratch cook a meal in our school kitchen one day per week?

A. A volunteer organization supplanting the school meal provider that has the SFUSD contract, even just one day per week in one school, would be a violation of the contract. SFUSD contracts out for its meal service through a competitive bidding process which ensures the most favorable price for the higher quality, more expensive food SFUSD serves (whole grains, fresh fruit, salad bars, no trans fat or artificial colors, etc.) Many companies were invited to bid on the district meal service in 2012; sealed bids were submitted and the contract was awarded as required to the lowest bidder (which must also demonstrate that it has the ability to fulfill the terms of the contract.) In 2012 the lowest bidder was Revolution Foods.

Q. Can our school contract with another meal provider, like a nearby restaurant or local catering service?

A. Again, this would be a breach of the contract which SFUSD awarded to the low bidder, Revolution Foods. SFUSD policy requires the contract to go to the low bidder not only to ensure the best price, but also to make sure that the contracting process is transparent and free of any possible nepotism or other favoritism.

Q. What if we only wanted to scratch cook one meal per semester as a special project - could we get permission to do that?

A. Even beyond the contract issue, there are many barriers to volunteers cooking even just for one day:

▶ All cafeteria staff, even volunteers or “guest chefs,” must follow all NSLP regulations. If NSLP procedures are not followed, reimbursement for low-income students’ meals can be withheld by the state. Official NSLP representatives audit cafeterias with rigorous inspections, including unannounced spot visits.

▶ NSLP regulations cover such areas as the nutritional breakdown of menus, the number of menu components each student must be offered and must choose, a vast number of

aspects of the food preparation, meal service procedures, cafeteria setup, elaborate accounting for low-income students for reimbursement purposes, and more. Recipes must be designed to meet all the nutritional requirements and provided to the California Department of Education for approval under the NSLP. It would be incredibly difficult for volunteers and/or visiting chefs to follow all these demanding procedures to the letter.

▶ Kitchens in most SFUSD schools are not fully functioning. Any school kitchen would need costly renovation to do real cooking on site; SFUSD has no funds currently available to do this. (Federal funding for maintaining and updating school kitchens was eliminated in the 1980s.)

▶ Funding would need to be found to purchase cooking equipment, dishwashers, required triple sinks for washing produce, expanded refrigeration and other essential resources. Items such as dishwashers and increased refrigeration would also require electrical upgrades.

▶ An independently run kitchen would face the same challenge that SFUSD's Student Nutrition Services Department faces: woefully inadequate funding, even if the cafeteria were staffed by volunteers, putting the envisioned delicious menus out of financial reach.

▶ The school would need its own insurance to cover liability for volunteers and/or visiting guest chefs.

▶ SFUSD cafeteria workers are represented by the Service Employees International Union (SEIU), and allowing volunteers or guest chefs to take over their jobs would pose a serious violation of the labor agreement, provoking immediate and forceful response by the SEIU.

▶ California Retail Code and NSLP regulations require at least one employee at each site to be food safety certified; a volunteer-run kitchen is not exempt from this requirement

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