



California Department of Education

It Has Not Ensured That School Food Authorities Comply With the Federal Buy American Requirement

Background

As a condition to receive nearly \$2 billion each year in federal funds to provide meals to children throughout the State, California must comply with all federal requirements for meal programs including the Buy American requirement. This requirement obliges school food authorities—school districts and other entities that participate in the meal programs—to purchase, to the maximum extent practicable, domestic commodities or domestic products. The California Department of Education (Education) is responsible for ensuring that school food authorities comply with the requirements.

Our Key Recommendations

The Legislature should require Education to track and publish information about school food authorities' purchases of foreign-sourced foods and should take steps to address challenges that food labels present in ensuring school food authorities purchase domestic food items.

Education should do the following:

- Revise its procedures to require that reviewers collect and retain evidence for all items they evaluate and post on its website the results of all its reviews.
- Ensure that school food authorities have policies and procedures in place to address the Buy American requirement.

Key Findings

- Education does not—nor does it plan to—track school food authorities' purchases of food products, and it did not properly train and, until recently, monitor whether school food authorities complied with the requirement.
 - » It had only completed 146 reviews of the roughly 1,300 school food authorities that were approved to participate in the meal programs and had not published any of the results as required.
 - » In a 2016 federal review, Education fell short in conducting procurement-specific reviews.
- Education's current process for evaluating compliance led to inadequate and inconsistent reviews.
 - » It has not set a level of evidence needed to support conclusions and would fail to identify noncompliance in some instances.
 - » Its procedures do not assist reviewers in identifying when food item labels do not have clear country-of-origin information.
- Based on our review of six school districts, school food authorities have not properly addressed the Buy American requirement.
 - » All six districts lacked adequate policies and procedures for purchasing domestic food.
 - » Most districts we reviewed did not include language in bid solicitations and contracts with food vendors.
 - » All six districts had purchased foreign-sourced food items but did not maintain proper justification for these purchases.
 - » The majority of the labels for the food items we reviewed did not clearly indicate the country of origin.