

Business and Noninstructional Operations

AR 3554 (a)

OTHER FOOD SALES

Nutritional Standards for Foods and Beverages

~~Beginning July 1, 2007, food and beverage sales outside the District's food service program shall comply with the standards described in Education Code 49431, 49431.2, 49431.5 and 49431.7.~~

Requirements for Schools Not Participating in Federal Meal Program

Food and beverage sales outside the district's food service program shall comply with applicable nutritional standards specified in Education Code 49431-49431.7 and CCR 15500-15501 and 15575-15578.

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

(cf. 5030 - Student Wellness)

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

~~When the food and beverage standards in Education Code 49431 and 49431.5 are effective, the sale of foods or beverages that do not comply with those standards may be permitted at an elementary school, as part of a fundraising event, only when the items are sold by students of the school and the sale meets one of the following conditions: (Education Code 49431, 49431.5)~~

- ~~1. It takes place off and away from school premises.~~
- ~~2. It takes place at least one half hour after the end of the school day.~~

(cf. 1230 – School-connected Organizations)

(cf. 1321 – Solicitations of Funds from and by Students)

The sale of ~~food items~~ **foods or beverages** that do not comply with the nutritional standards in Education Code 49431.2 ~~49431-49431.5~~, when effective, may be permitted at a middle school or high school in any **in either** of the following circumstances: (Education Code 49431.2 ~~49431-49431.5~~)

1. The sale takes place off and away from school premises
2. The sale takes place on school premises at least one-half hour after the end of the school day
- ~~3. The sale occurs during a school-sponsored student activity after the end of the school day.~~

(cf. 1230 – School-Connected Organizations)

(cf. 1321 – Solicitations of Funds from and by Students)

(cf. 6145 – Extracurricular and Cocurricular Activities)

~~Beverage sales that do not comply with the nutritional standards in law may be permitted at a middle school as part of a school event under the following circumstances: (Education Code 49431.5)~~

- ~~1. The sale occurs during a school-sponsored event and takes place at the location of the event at least one half hour after the end of the school day.~~
- ~~2. Vending machines, student stores, and cafeterias are used later than one half hour after the end of the school day.~~

OTHER FOOD SALES (continued)~~Additional Requirements for Schools Participating in the National School Lunch or Breakfast Program~~

~~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)~~

~~No foods of minimal nutritional value, as listed in 7 CFR 210, Appendix B, and 7 CFR 220, Appendix B, shall be sold in food service areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)~~

Requirements for Schools Participating in Federal Meal Program

For any district school participating in the National School Lunch and/or Breakfast Program, food and beverage sales conducted outside the district's food service program on school campuses during the school day shall comply with applicable nutritional standards specified in 7 CFR 210.11 and 220.12 or with state nutrition standards in Education Code 49431-49431.7 and 5 CCR 15500-15501 and 15575-15578, whichever rule is stricter.

These standards shall apply to all competitive foods and beverages sold from midnight before the school day to one-half hour after the end of the school day. (7CFR 210.11)

~~In a school with any of grades K-8 that is participating in the National School Lunch and/or Breakfast Program, the Superintendent or designee shall not permit the sale of foods by a student organizations in a school with any of grades K-8 that is participating in the National School Breakfast or Lunch Program, organization~~ except when all of the following conditions are met: (5 CCR 15500)

1. The student organization ~~may sell~~ **sells** one food item per sale
2. The specific nutritious food item is approved by the Superintendent or designee **in accordance with Board policy**
3. The sale does not begin until after the close of the regularly scheduled midday food service period
4. The sale during the regular school day is not of food items prepared on the premises
5. There are no more than four such sales per year per school
- ~~6. The food sold is a dessert-type food, such as pastry, ice cream, or fruit~~
7. The food sold is not one sold in the district's food service program at that school during that school day

~~In high schools and middle~~ **any middle or high** schools, a student organization may be approved to sell food items during or after the school day if all of the following conditions are met: (5 CCR 15501)

OTHER FOOD SALES (continued)

1. Only one student organization conducts a food sale on a given school day and the organization sells no more than three types of food or beverage items, except that 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
2. The specific nutritious food items are approved by the Superintendent or designee **in accordance with Board policy**
3. Food items sold during the regular school day are not prepared on the premises
4. The food items sold are not those sold in the district's food service program at that school during that school day

The Superintendent or designee shall maintain records, and shall require organizations selling foods and beverages to maintain records, to document compliance with federal nutrition standards for all competitive foods and beverages sold through and outside the district's food services program. At a minimum, these records shall include receipts, nutrition labels, and/or product specifications.

(7 CFR 210.11)

Regulation amended: April 15, 2021

Regulation amended: November 6, 2008

Regulation approved: April 19, 2007