

Regulation 3554: Other Food Sales

Status: DRAFT

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**Nutritional Standards for Foods and Beverages
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, 49431.2, 49431.5, and 49431.7 and 5 CCR 15575-15578. **49431-49431.7 and 5 CCR 15500-15501 and 15575-15578.**

The sale of foods or beverages that do not comply with the standards in Education Code 49431-49431.5 may be permitted in either of the following circumstances: (Education Code 49431-49431.5)

At an elementary school, the sale of foods or beverages that do not comply with the standards in Education Code 49431 and 49431.5 may be permitted, as part of a fundraising event, only when the items are sold by students of the school and the sale meets either 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.

At a middle, junior high, or high school, the sale of food items that do not comply with the standards in Education Code 49431.2 may be permitted in any of the following circumstances: (Education Code 49431.2)

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.

Beverage sales that do not comply with the standards in Education Code 49431.5 may be permitted at a middle or junior high school as part of a school event under either of 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.

Additional Requirements for Schools Participating in Federal Meal Program

For any district school participating in the National School Lunch and/or Breakfast Program

The sale of foods, **food and beverage sales conducted** outside of the district's food service program **on school campuses** during meal periods in food service areas **the school day** 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 **comply with applicable** nutritional value, as listed **standards specified** in 7 CFR 210, Appendix B, **11 and 7 CFR 220, Appendix B, 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 be apply to all competitive foods and beverages sold in food service areas during breakfast and lunch periods. (7 CFR 210 **from midnight before the school day to one-half hour after the end of the school day.** (7 CFR 210.11, 220.12))

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 organization except when all of the following conditions are met: (5 CCR-15500)

1. The student organization shall ~~sell~~**sells** only one food item per sale.

2. The specific nutritious food item is approved by the Superintendent or designer: **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.~~
6. The food sold is not one sold in the district's food service program at that school during that school day.

In ~~junior~~ **any middle or high and high schools school**, 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)

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 designer: **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)

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 References

State References	Description
5 CCR 15500	Food sales in elementary schools
5 CCR 15501	Food sales in high schools and junior high schools
5 CCR 15575-15578	Requirements for foods and beverages outside the federal meals program
Ed. Code 35182.5	Contracts for advertising - https://simbli.eboardsolutions.com/SU/b1Cx8OTDYoo5teAWplusUlkoQ==
Ed. Code 48931	Authorization for sale of food by student organization - https://simbli.eboardsolutions.com/SU/M2xNBPhMBA9SbMs3wo3DUw==
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001 - https://simbli.eboardsolutions.com/SU/Vbldc2N1RyrO8XDSzoAlsA==
Ed. Code 51520	Prohibited solicitations on school premises - https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==
H&S Code 113700-114437	California Retail Food Code; sanitation and safety requirements - https://simbli.eboardsolutions.com/SU/ysEqndaOMC3wM2Q57C4plA==

Federal References

Description

42 USC 1751-1769j	School Lunch Program
42 USC 1758b	Local wellness policy
42 USC 1771-1791	Child nutrition
7 CFR 210.1-210.33	National School Lunch Program - https://simbli.eboardsolutions.com/SU/Lv8UWI0wAizNvSHss7IA9Q==
7 CFR 220.1-220.21	National School Breakfast Program

Management Resources References

CA DOE Management Bulletin	Description 06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006
CSBA Publication	Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
CSBA Publication	Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006 - https://simbli.eboardsolutions.com/SU/jqJbUXRdQkDMZHGZqslshVIOA==
Fiscal Crisis & Management Assistance Team Pub.	Associated Student Body Accounting Manual and Desk Reference, 2002
Natl. Assoc. of State Boards Of Ed. Pub.	Fit, Healthy and Ready to Learn, 2000
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	U.S. Dept. of Agriculture, Food and Nutrition Information Center - https://simbli.eboardsolutions.com/SU/PtAlwQrEozP2sto4Ywh52g==
Website	California Project LEAN (Leaders Encouraging Activity and Nutrition) - https://simbli.eboardsolutions.com/SU/lzuCbbhn3rBrfeZTSNnVCw==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/UUiiqrqtk65lplusLWplusApdRjg==
Website	National Association of State Boards of Education - https://simbli.eboardsolutions.com/SU/p9EGJQrfe1c2fvDHCT1QRQ==
Website	California Department of Education, Nutrition Services Division - https://simbli.eboardsolutions.com/SU/O5xpn2rTFL2uz0BslshlorGXQ==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==
Website	California Healthy Kids Resource Center - https://simbli.eboardsolutions.com/SU/Ve9Yf61snLK7fRzOPU1xiQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	Fiscal Crisis and Management Assistance Team - https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbLOOxQ==

Cross References

1230	Description School-Connected Organizations - https://simbli.eboardsolutions.com/SU/RmZnkdmDq8SicNLgKoQQxg==
1230	School-Connected Organizations - https://simbli.eboardsolutions.com/SU/6z8GSfz2y5zDplusahT2fYG6Q==
1321	Solicitation Of Funds From And By Students - https://simbli.eboardsolutions.com/SU/pLtslsh1AppLeuHFfyTIGZxVA==
1321	Solicitation Of Funds From And By Students - https://simbli.eboardsolutions.com/SU/4P4axwHdaDEhpr8Z3eZR1w==

3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/agzNpuVcRrXlukgOj2Vknw==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/uEYQslsh5qayTY8IPOQDYVxMQ==
3312	Contracts - https://simbli.eboardsolutions.com/SU/RtEPentWF4fC8KdSsZuiQQ==
3452	Student Activity Funds - https://simbli.eboardsolutions.com/SU/9SBtlfFygkkHplusjAgcmQciw==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/slshbnNdB5VoKn29R1FDUD8Vw==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/u7iRd9SZqZfZZbG9Thyq0A==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/QnRDSUG2lxmDwo549gJLww==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/XdvpOUBAPs20PKuptA0S1w==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/veLi3k2THgU0fAplusDEpluskdyw==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/bJft7yoiEWomeYDx1LdKBg==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/aWkPBgslshQGAKepvUCWXMslsh2Q==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/BpdsG3ZLempXC2QjsEmMpA==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/0o5IPmslshBsdwTIS6qQdQN7Q==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/GVzAgUNrmwjxJNKmsgl1rQ==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/IJW9DH2z29vRFUTVfplusjDjQ==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/kcnplusEMDbUq3oAi14H67CXg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/HodC5SBhYgTQ4CslshjPbo8xQ==