

OTHER FOOD SALES

Foods and beverages available to students outside the District's nutrition services 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 11500-11501 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.

The sale of food items that do not comply with the nutritional standards in Education Code 49431.2, when effective, may be permitted at a middle school or high school in any of the following circumstances:

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 nutritional standards in law may be permitted at a middle school as part of a school event under the following circumstances:

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 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 nutrition services program, or the student organization(s) sponsoring the sale.

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.

The Superintendent or designee shall not permit the sale of foods by student organizations in a school with any grades 7-8 that is participating in the National School Breakfast or Lunch Program, except when all of the following conditions are met:

1. The student organization may sell 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 not one sold in the District's nutrition services program at that school during that school day.

In 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:

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 nutrition services 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 service program. At a minimum, these records shall include receipts, nutrition labels, and/or production specifications.

LEGAL REFERENCE:**EDUCATION CODE**

49431-49431.7 Pupil Nutrition, Health and Achievement Act of 2001

CALIFORNIA CODE OF REGULATIONS, TITLE 5

15500-15501 Child nutrition programs

15575-15578 Requirements for foods and beverages outside federal meal programs

CODE OF FEDERAL REGULATIONS, TITLE 7

210, Appendix B National School Lunch Program

210.11 National School Lunch Program

220, Appendix B National School Breakfast Program

220.12 National School Breakfast Program