

Policy 3554: Other Food Sales

Status: ADOPTED

Original Adopted Date: 11/01/2003 | **Last Revised Date:**
11/01/2007 | **Last Reviewed Date:** 11/01/2007

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 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)

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.

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

1. The student organization sells only 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 food service program at that school during that school day.

In any middle or high 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 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)

State	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	<u>Contracts for advertising</u>
Ed. Code 48931	<u>Authorization for sale of food by student organization</u>
Ed. Code 49430-49434	<u>Pupil Nutrition, Health, and Achievement Act of 2001</u>
Ed. Code 51520	<u>Prohibited solicitations on school premises</u>
H&S Code 113700-114437	<u>California Retail Food Code; sanitation and safety requirements</u>
Federal	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	<u>National School Lunch Program</u>
7 CFR 220.1-220.21	National School Breakfast Program
Management Resources	Description
CA DOE Management Bulletin	06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006
CSBA Publication	<u>Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2008</u>
CSBA Publication	<u>Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, October 2007</u>
CSBA Publication	<u>Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006</u>
Fiscal Crisis & Management Assistance Team Pub.	Associated Student Body Accounting Manual and Desk Reference, 2002

Natl. Assoc. of State Boards Of Ed. Pub.
 Website
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Fit, Healthy and Ready to Learn, 2000
[CSBA District and County Office of Education Legal Services](#)
[U.S. Dept. of Agriculture, Food and Nutrition Information Center](#)
[California Project LEAN \(Leaders Encouraging Activity and Nutrition\)](#)
[Centers for Disease Control and Prevention](#)
[National Association of State Boards of Education](#)
[California Department of Education, School Nutrition](#)
[California Department of Public Health](#)
[California Healthy Kids Resource Center](#)
[CSBA](#)
[Fiscal Crisis and Management Assistance Team](#)

Code

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Description

[School-Connected Organizations](#)
[School-Connected Organizations](#)
[Solicitation Of Funds From And By Students](#)
[Solicitation Of Funds From And By Students](#)
[Fees And Charges](#)
[Fees And Charges](#)
[Contracts](#)
[Student Activity Funds](#)
[Food Service/Child Nutrition Program](#)
[Food Service/Child Nutrition Program](#)
[Food Service Operations/Cafeteria Fund](#)
[Food Service Operations/Cafeteria Fund](#)
[Free And Reduced Price Meals](#)
[Free And Reduced Price Meals](#)
[Student Wellness](#)
[Food Allergies/Special Dietary Needs](#)
[Food Allergies/Special Dietary Needs](#)
[Before/After School Programs](#)
[Before/After School Programs](#)
[Comprehensive Health Education](#)
[Comprehensive Health Education](#)
[Extracurricular And Cocurricular Activities](#)
[Extracurricular And Cocurricular Activities](#)