

OTHER FOOD SALES

The Governing Board believes that sales of foods and beverages at school during the school day should be aligned with the district's goals to promote student wellness. Any food sales conducted outside the district's food service program shall meet nutritional standards specified in law, Board policy, and administrative regulation and shall not reduce student participation in the district's food service program.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5030 - Student Wellness)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

The Board authorizes the Superintendent or designee to approve the sale of foods and beverages outside the district's food service program, including sales by student or school-connected organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes.

(cf. 1230 - School-Connected Organizations)
(cf. 1321 - Solicitations of Funds from and by Students)

When vending machines are sponsored by the district or a student or adult organization, the Superintendent or designee shall determine how and where vending machines may be placed at school sites, district offices, or other school facilities.

(cf. 3312 - Contracts)

Legal Reference: (see next page)

OTHER FOOD SALES (continued)

Legal Reference:

EDUCATION CODE

35182.5 *Contracts, non-nutritious beverages*

48931 *Authorization and sale of food*

49430-49436 *Pupil Nutrition, Health, and Achievement Act of 2001*

51520 *School premises; prohibited solicitations*

CODE OF REGULATIONS, TITLE 5

15500 *Food sales in elementary schools*

15501 *Sales in high schools and junior high schools*

HEALTH AND SAFETY CODE

113700-114437 *California Retail Food Code*

UNITED STATES CODE, TITLE 42

1751-1769h *National School Lunch Act, including:*

1751 *Note Local wellness policy*

1771-1791 *Child nutrition, School Breakfast Program*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*

220.1-220.21 *National School Breakfast Program*

Management Resources:

CSBA PUBLICATIONS

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

06-110 *Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006*

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

Associated Student Body Accounting Manual and Desk Reference, 2002

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Department of Public Health: <http://www.cdph.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

National Association of State Boards of Education (NASBE): <http://www.nasbe.org>

U.S. Dept. of Agriculture, Food and Nutrition Information Center: <http://www.nal.usda.gov/fnic>

Policy

adopted: April 14, 1997

revised: August 7, 2001

revised: January 27, 2004

revised: April 25, 2006

revised: January 13, 2009

VISALIA UNIFIED SCHOOL DISTRICT

Visalia, California

OTHER FOOD SALES

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.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

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.

(cf. 1230 - School-Connected Organizations)
(cf. 1321 - Solicitations of Funds from and by Students)
(cf. 6145 - Extracurricular and Cocurricular Activities)

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.

OTHER FOOD SALES (continued)

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)

Regulation
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VISALIA UNIFIED SCHOOL DISTRICT
Visalia, California

EDUCATION CODE 39876

SALE OF SPECIFIED FOOD ITEMS

Other than foods reimbursed under 42 U.S.C. 1751 et seq. and 42 U.S.C. 1771 et seq., a minimum of 50 percent of the items offered for sale each school day at any school site by any entity or organization during regular school hours shall be selected from the following list:

1. Milk and dairy products, including cheese, yogurt, frozen yogurt and ice cream
2. Full-strength fruit and vegetable juices and fruit drinks containing 50 percent or more full-strength fruit juice, and fruit nectars containing 35 percent or more full-strength fruit juice
3. Fresh, frozen, canned and dried fruits and vegetables
4. Nuts, seeds and nut butters
5. Nonconfection grain products, as defined by regulation of the United States Food and Drug Administration, including crackers, bread sticks, tortillas, pizza, pretzels, bagels, muffins and popcorn
6. Meat, poultry and fish, and their products, including beef jerky, tacos, meat turnovers, pizza, chili and sandwiches
7. Legumes and legume products, including bean burritos, chili beans, bean dip, roasted soy beans and soups
8. Any foods which would qualify as one of the required food components of the Type A lunch which is defined in and reimbursable under the National School Lunch Act (42 U.S.C. 1751 et seq.)

For the purposes of this section, "item" shall be defined as each separate kind of food offered for sale as a separate unit.

**CODE OF FEDERAL REGULATIONS, TITLE 7
APPENDIX B TO PART 210****Categories of Foods of Minimal Nutritional Value**

1. Soda Water: A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 degrees Fahrenheit. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals and protein.
2. Water Ices: As defined by 21 CFR 135.160 Food and Drug Administration Regulations except that water ices which contain fruit or fruit juices are not included in this definition
3. Chewing Gum: Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing
4. Certain Candies: Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
 - a. Hard Candy: A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers, and cough drops
 - b. Jellies and Gums: A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit- flavored slices
 - c. Marshmallow Candies: An aerated confection composed of sugar, corn syrup, invert sugar, 20 percent water, and gelatin or egg white to which flavors and colors may be added
 - d. Fondant: A product consisting of microscopic-sized sugar crystals which are separated by a thin film of sugar and/or invert sugar in solution, such as candy corn or soft mints
 - e. Licorice: A product made predominantly from sugar and corn syrup which is flavored with an extract made from the licorice root
 - f. Spun Candy: A product that is made from sugar that has been boiled at high temperature and spun at a high speed on a special machine

- g. Candy Coated Popcorn: Popcorn which is coated with a mixture made predominantly from sugar and corn syrup