

**OTHER FOOD SALES**

The Governing Board believes that foods and beverages sold to students on school campuses during the school day should promote student health and reduce childhood obesity. Any food sales conducted outside the District's food service program shall meet nutritional standards specified by law, board policy, and administrative regulations and shall not reduce student participation in the District's food service program.

*(cf. 5030 - Student Wellness)*

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 adult organizations, sales through vending machines, and/or sales at secondary school student stores for fund-raising purposes.

*(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 3551 - Food Service Operations/Cafeteria Fund)  
(cf. 3553 - Free and Reduced Price meals)*

Food sales are prohibited during school hours, and within one-half hour before and after school hours, unless the organization is legally organized as a nonpartisan, charitable organization, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved in accordance with board policy. (Education Code 51520)

*(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:*

EDUCATION CODE

38085 Sale of specified food items

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

15501 Sales in high schools and junior high schools

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law, especially:

114200-114245 Vending Machines

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Act

1751 Note: Local wellness policy

1771-1791 Child Nutrition

**OTHER FOOD SALES continued**

*Legal References: continued*

CODE OF FEDERAL REGULATIONS, TITLE 7  
210.0-210.31 National School Lunch Program  
220.1-220.21 National School Breakfast Program

*Management Resources:*

CSBA POLICY BRIEFS  
*The New Nutrition Standards: Implications for Student Wellness Policies*, November 2005  
CSBA PUBLICATIONS  
*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide*, rev. 2005  
CENTERS FOR DISEASE CONTROL PUBLICATIONS  
*School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools*, 2000  
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  
U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS  
*Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action*, 2000  
WEB SITES  
CSBA: <http://www.csba.org>  
California Association of School Business Officials: <http://www.casbo.org>  
California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/is/nu>  
California Healthy Kids Resource Center: <http://www.californiahealthykids.org>  
California Project LEAN (Leaders Encouraging Activity and Nutrition):  
<http://www.californiaprojectlean.org>  
Dairy Council of California: <http://www.dairycouncilofcal.org>  
Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>  
National Association of State Boards of Education (NASBE): <http://www.nasbe.org>  
National School Boards Association: <http://www.nsba.org>  
U.S. Department of Agriculture, Food and Nutrition Information Center (FNIC):  
<http://www.nal.usda.gov/fnic>

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**Policy**  
**Adopted: March 13, 2000**  
**Readopted: June 13, 2006**

**FORTUNA UNION HIGH SCHOOL DISTRICT**  
**Fortuna, California**

## Nutritional Standards for Foods and Beverages

### OTHER FOOD SALES

AR 3554(a)

Food sales outside the District's food service program shall comply with the nutritional standards specified in Education Code 38085. Beginning July 1, 2007, food sales outside the District's food service program shall comply with the standards described in Education Code 49431.2 for middle schools, junior high schools, and high schools. (Education Code 38085, 494931, 49431.2)

Beverage sales shall be subject to the nutritional standards specified in Education Code 49431.5. (Education Code 49431.5)

*(cf 1230 -School-Connected Organizations)*

*(cf 1321 -Solicitations of Funds from and by Students)*

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

*(cf 5030 -Student Wellness)*

Note: The remainder of this section is for use by districts maintaining middle schools, junior high schools, and/or high schools and should be revised as necessary to reflect the type(s) of schools in the district. Education Code 49431.2, as added by SB 12 (Ch. 235, Statutes of 2005), specifies circumstances under which food sales that do not meet nutritional standards may be permitted, as provided in the following paragraph.

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, junior high school, or high school 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 nutritional standards in law may be permitted at a middle school or junior high 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.

## Nutritional Standards for Foods and Beverages

### OTHER FOOD SALES - continued

AR 3554(b)

Beverage sales that do not comply with the nutritional standards in law may be permitted at a middle school or junior high 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.

### Additional Requirements for Schools Participating in the National School Lunch or Breakfast Program

Note: In addition to the requirements in the previous section, schools participating in the National School Lunch or Breakfast Programs, pursuant to 42 USC 1757 and 1773, are subject to the requirement described below.

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)

Note: 7 CFR 210.11 and 7 CFR 220.12 mandate that District rules and regulations prohibit the sale of foods of minimal nutritional value, as listed in Appendix B, Part 210, or Appendix B, Part 220 of the Code of Federal Regulations, in food service areas during breakfast and lunch periods.

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)

In high schools and junior 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)

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.
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.

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### Regulation

Approved: **March 13, 2000**

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**FORTUNA UNION HIGH SCHOOL DISTRICT**

**Fortuna, California**