

Other Food Sales

Business and Noninstructional Operations

Requirements for Schools Not Participating in Federal Meal Program

Food and beverage sales outside the district's nutrition services 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 and 49431.5 may be permitted in either 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.

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 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 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.

In a school, with any 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:

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.

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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 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:

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

Legal Reference: Education Code, Section, 49431-49431.7
Code of Federal Regulations, Title 7, 210, 210.11, Appendix B; 220, Appendix B; 220.12
California Code of Regulations, Title 5, 15500-15501; 15575-15578

Rules Adopted: 08/19/1980; 02/19/1985; 07/16/1991

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