

**COMPETITIVE FOOD AND BEVERAGE SALES**

**Purpose:** To provide procedures to govern the sale of foods and beverages offered outside of and in competition with the Food and Nutrition program.

**Background:** Good nutrition is an essential part of the educational process. Numerous studies have proven the link between nutrition and academic performance as measured by test scores, attendance rates, tardiness, and discipline. It is vital that the school environment support the development of a healthy lifestyle, offer opportunities for students to make healthy and informed selections, and prepare students for academic success. The School Breakfast and School Lunch Programs are available to provide nutritious foods to all students. It is intended that these child nutrition programs be the main source of foods and beverages available at school. These programs have specific requirements to ensure that adequate nutrients are offered to promote health. The intent of this procedure is to encourage and enable schools to provide students with nutritious food and beverage choices that will enhance learning and promote healthy behaviors that can be maintained throughout life.

**Definitions:**

*Food Item:* The term "food item" refers to both food and beverage.

*Competitive Foods:* All food and beverages sold to students on school campuses during the school day, other than reimbursable National School Lunch and School Breakfast meals.

*Smart Snacks:* Science-based nutrition standards for foods and beverages sold to children at school during the school day, outside the National School Lunch and School Breakfast programs.

*Prepared on School Premises:* Any food or beverage, prepared, heated, or reheated on school grounds, such as: instant soup, hot chocolate, microwave popcorn, pizza, sandwiches, or hot dogs.

*School Day:* For the purpose of competitive food sales, the period from midnight to 30 minutes after the end of the official school day.

*School Campus/Food Service Area:* For the purpose of competitive food sales, all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

*School-based Organizations:* Includes but is not limited to associated student body organizations, sports teams, booster clubs, PTA's, PTSA's, and similar entities.

*Sold:* The exchange of food or beverage for money, coupons, vouchers, or order forms, when any part of the exchange occurs on a school campus.

**Scope:** This procedure applies to all competitive foods and beverages sold on school grounds, including but not limited to vending machines, snack bars, student stores, a la carte sales, at school activities, fundraisers, and other venues. This includes sales derived from all school-based organizations on school campuses from midnight to 30 minutes after the school day ends.

**COMPETITIVE FOOD AND BEVERAGE SALES** (continued)

**Authority:** As a result of the Smart Snacks in School Rule enacted by the Healthy Hunger Free Kids Act of 2010, the Food and Nutrition Department is the School Food Authority (SFA) required to monitor all foods and beverages sold and/or served on school campuses and ensure compliance with all applicable competitive food and beverage requirements.

**Guidelines for Sale of Food and Beverage Items:** The only foods and beverages authorized for sale at District schools outside the National School Lunch and Breakfast programs (including but not limited to the Student Store, vending machines, fundraising, etc.) before, during, and until 30 minutes after the end of the school day at all sites accessible to students shall meet federal, state, and local nutritional standards. Vending machines in faculty rooms are not subject to these criteria, provided that these machines are not accessible to students.

**Elementary Schools/K-8 School:** The principal may authorize one (1) school-based organization to sell one (1) food item during the school day (midnight to 30 minutes after school ends), when all of the following conditions are met: (5 CCR 15500)

1. The school-based organization may sell one (1) food item per sale.
2. There are no more than four (4) such sales per year per school.
3. The item sold is not prepared on school premises.
4. The item sold is commercially prepared, prepackaged, and has a food label with ingredients list and Nutrition Facts panel.
5. The item sold is not the same as any food items served by the Food and Nutrition program at the school that day.
6. The food sale does not begin until after the end of the last regularly scheduled lunch period.
7. The organization receives advance written approval of the food sale by the Food and Nutrition Department, using the Request for Approval to Sell a Food Item for Elementary Schools (see attached Exhibit (1)).
8. The specific food item is a fruit, non-fried vegetable, whole grain food, dairy food, or allowable protein food (nut, seed, legume, egg, or cheese), and meets the District's nutrition standards for snacks in accordance with law, Board policy, and administrative regulations.

**Middle and High Schools:** The principal may authorize a school-based organization to sell food items during the school day (midnight to 30 minutes after school ends) if all of the following conditions are met: (5 CCR 15501)

1. Only one (1) organization may conduct food sales each school day, and that organization may sell compliant food items from no more than three (3) of these five (5) pre-approved categories:
  - a. Meat Snacks, such as beef jerky or turkey sticks
  - b. Whole Grain Popped Corn Products, such as popcorn or kettle corn
  - c. Pudding, with milk being the first ingredient listed
  - d. Frozen Fruit Bars or Fruit Juice Bars, with fruit or fruit juice being the first ingredient listed
  - e. Nuts, Seeds, Nut Butters, and Seed Butters, such as sunflower seeds or individual portions of peanut butter
2. The items sold are not prepared on school premises.

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3. Each item is commercially prepared, prepackaged, and has a food label with ingredients list and Nutrition Facts panel.
4. The food categories sold are not the same as any food categories sold in the District's Food and Nutrition program at the school that day.
5. The organization receives advance written approval of the food sale from the Food and Nutrition Department, using the Request for Approval to Sell Food for Middle and High Schools form (see attached Exhibit(2)).
6. In addition to one organization food sale each day, the principal may establish up to four (4) days during the school year when any school-related organizations may sell not more than three (3) food categories from the pre-approved food categories listed in paragraph 1, above. On these days, all food items sold must still meet the requirements listed and must receive advance written approval from the Food and Nutrition Department using the Request for Approval to Sell Food for Middle and High Schools form (see attached Exhibit(2)).
7. The individual food items must meet the District's nutrition standards for snacks in accordance with law, Board policy, and administrative regulations.

**Commercial Vendors:** Commercial vendors, including food trucks, are prohibited from soliciting, selling, or delivering food or beverage items on school property in competition with the District's Food and Nutrition Program. San Diego Municipal Code §54.0122(f) prohibits mobile food trucks from selling food and beverages within 500 feet of school property lines, between 7:00 a.m. and 4:00 p.m. on regular school days.

**Vending Machines:** All food and beverage vending machines located on school campuses are to be coordinated with the Food and Nutrition Department. This includes the nutritional content of food and beverages, placement of vending machines, and the time of operation. Food and beverage items in vending machines must conform to current federal, state, and local nutritional standards and competitive foods regulations.

### Responsibilities

1. The Food and Nutrition Department determines which foods and beverages comply with the District's nutrition and sanitation standards, and approves (in advance) all food and beverage items sold on campus during the school day.
2. Principal or their designee will review all food and beverages to be sold on campus and ensure compliance with all federal, state, and local regulations pertaining to the sale of food and beverages in schools.
3. Food and Nutrition Area Supervisors will monitor the content of food and beverages in vending machines, student stores, and other venues to ensure that only compliant items are sold to students. If it is determined that non-compliant items are in vending machines and/or student stores or that fundraising activities are not appropriately monitored, supervisors will report the condition to the Director of Food and Nutrition and the school principal or their designee.
4. The principal will advise the Director of Food and Nutrition and the appropriate Director of Learning Support Services, in writing, of the action taken.

Regulation:  
Approved: June 28, 2018

**POWAY UNIFIED SCHOOL DISTRICT**  
San Diego, California