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COMPETITIVE FOOD SALES—SALES OF FOODS IN COMPETITION WITH THE SCHOOL FOOD SERVICE PROGRAM

MSAD #54 supports good nutrition as part of a school environment that contributes to student health and encourages positive food choices and eating habits. The Board believes that nutrition influences a student's ability to take full advantage of the school system's educational program and is, therefore, related to student achievement.

The Board also recognizes that proceeds from the sale of foods and beverages outside of the School Lunch Program ("competitive foods") are a significant source of funds for student activities that MSAD #54 might not otherwise be able to provide.

The Board has adopted this policy to govern the sale of foods and beverages on school property.

RESTRICTION ON SALE OF COMPETITIVE FOODS

Maine Department of Education Rule Chapter 51 mandates that any food or beverage sold at any time on school property of a school participating in the National School Lunch or School Breakfast Programs shall be a planned part of the total food service program¹ of the school and shall include only those items which contribute both to the nutritional needs of children and the development of desirable food habits, and shall not include foods of minimal nutritional value as defined in applicable federal regulations², except as provided for by school board policy in certain circumstances. This policy applies to sales of foods and beverages at any time on school property by any person, group or organization.

However, as allowed by Rule Chapter 51, the Board permits the sale of food and beverages outside the total food program to:

¹ According to DOE Rule Chapter 51 (1)(b), the "Total Food Service Program" includes the federal Milk Program as defined in 7 C.F.R. § 215; the federal Breakfast Program, which means the federal program under which a breakfast that meets the nutritional requirements set forth in 7 C.F.R. § 220 is offered; the National School Lunch Program (including the After School Snack), which means the federal program under which the school operates a nonprofit lunch program that meets the requirements of 7 C.F.R. § 210; or any combination of these programs.

² "Foods of minimal nutritional value" as defined in 7 C.F.R. § 210.11 means: (a) In the case of artificially sweetened foods, a food which provides less than 5 percent of the Reference Daily Intake (RDI) for each of the eight specified nutrients per serving; (b) in the case of all other foods, a food which provides less than 5 percent of the RDI for each of eight specified nutrients per 100 calories and less than 5 percent of the RDI for each of eight specified nutrients per serving. The eight nutrients to be assessed for this purpose are: protein, vitamin A, vitamin C, niacin, riboflavin, thiamin, calcium, and iron. This definition is applicable to foods that are part of the total food service program of the school, and foods and beverages sold at food sales, school stores, and in vending machines. A listing of "Categories of Foods of Minimal Nutritional Value" is in Appendix B to 7 C.F.R. Part 210 (National School Lunch Program).

1. School staff
2. Attendees at school-sponsored events held on school property. (This exception includes, but is not limited to, booster groups, special education food sales, and vending machines.)
3. The public at community events held on school property in accordance with the Board's facilities use policy
4. In State-approved instructional Career and Technical Education (CTE) Programs if consistent with the requirement that these programs not include foods of minimal nutritional value as defined in applicable federal regulations.

Sale of Foods or Beverages to Students:

The sale of any food or beverage items on school property other than as a part of the National School Lunch and Child Nutrition Act Programs, shall be subject to written approval in advance by the Superintendent of Schools and should be limited to items which should make a significant contribution to the nutritional needs of children.

Such food and beverage items should be limited to such items as:

- Fruit juices, full strength
- Vegetable juices
- Milk
- Ice Cream
- Yogurt
- Canned Soup
- Sandwiches (made with whole grain or enriched bread)
- Dry Cereal (less than 15% sugar content)
- Fresh Fruit and Vegetables
- Dried Fruits
- *Peanut Butter Crackers
- *Cheese Crackers
- *Cakes or Cookies, unfilled (made with whole grain or enriched flour)
- Popcorn (unsalted); Nuts (unsalted); Sunflower Seeds (unsalted)
- Salad made with or containing vegetables and/or fruits

*Item requires a nutritional analysis sheet before item is sold.

Vending Machines:

A Principal who wishes to install vending machines in order to meet the food needs of students shall submit a written request to the Superintendent of Schools together with a list of food or beverage items that meet the nutritional value so vending of such items can be arranged through a competitive bidding process. The written request shall identify the goal, program, organization, or group to which the funds will be dedicated.

Food as Rewards:

Food or beverage items generally should not be offered as rewards. However, subject to the approval of each Principal, nutritious foods may be offered occasionally as group rewards or to reinforce positive behavior of individual students. Food shall not be offered to any student upon the request of that student's parent/guardian or upon the recommendation of the School Nurse.

When foods and beverages are sold to raise funds for schools or student activities, students, staff, parents, or school-sponsored organizations involved in such sales are encouraged to include healthy food choices.

FUNDS FROM SALES OF COMPETITIVE FOODS

Funds from all food and beverage sales made at any time on school property shall accrue to the benefit of the school's non-profit school food service program, except those funds raised through authorized sales outside the total food service program (see exemptions 1 through 4 above) shall accrue to the sponsoring school or approved student organization in accordance with applicable policies, cash-management procedures and administrative directives.

Legal Reference: Ch. 51 (Dept. of Educ. Rule) (Child Nutrition Programs in Public Schools and Institutions)

Cross References: JJE— Student Fundraising Activities

JJF— Student Activities Funds

KF— Community Use of School Facilities

KJA— Relations With Booster Organizations