

BUSINESS AND NONINSTRUCTIONAL OPERATIONS
OTHER FOOD SALES**Nutritional Standards**

Food sales outside the district's food service program shall comply with the nutritional standards specified in Education Code 38085. Beverages shall be subject to the nutritional standards specified in Education Code 49431.5. Beginning July 1, 2007, food sales outside the district's food service program shall comply with the standards described in Education Code 49431 for elementary schools and Education Code 49431.2 for middle schools, junior high schools, and high schools. (Education Code 38085, 49431, 49431.2)

The **sale of foods or beverages** that do not comply with those standards may be permitted at an elementary school, as part of a fundraising event, only when the items are sold by students of the school and the sale meets one of the following conditions:

1. It takes place off and away from school premises.
2. It takes place at least one-half hour after the end of the school day.

The **sale of food items** that do not comply with the nutritional standards in Education Code 49431.2 may be permitted at a middle school, junior high school, or high school in any 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.
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 school 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

The sale of foods during meal periods in food service areas may 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)

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)

The Superintendent or designee shall not permit the sale of food by student organizations in a school with any of **grades K-8** that is participating in the National School Breakfast or Lunch Program, except when all of the following conditions are met: (5 CCR 15500)

1. The student organization may sell one food item per sale.
2. The specific nutritious food item is approved by the Superintendent or designee.
3. The food sales do not begin until after the close of the regularly scheduled midday food service period.
4. The sales during the regular school day are 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 a dessert-type food, such as pastry, ice cream or fruit.
7. The food sold is not one sold in the district's food service program at that school during that school day.

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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 food sales 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. The sales during the regular school day are not of food items 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.

Reviewed By CSBA Legal Counsel: 11/00/05
Approved by Superintendent: 05/31/07