

**OTHER FOOD SALES**

The Board of Trustees believes sales of food and beverages at school during the school day shall align with the District's goals to promote student wellness.

The Board of Trustees may permit food and beverage sales by student organizations, adults and school organizations outside of the District's Food and Nutrition Services program, on school campuses, during the school day, provided these sales comply with or exceed applicable state and federal competitive food and beverage regulations and nutrition standards. This compliance is to ensure optimum student participation in the National School Lunch and School Breakfast program. Such food and beverage sales shall not impair the Food and Nutrition Services program's ability to be financially sound.

Food and beverage sales by student organizations, adults and school organizations and including the operation of vending machines shall comply with or exceed the state and federal competitive food and beverage regulations and nutrition standards, as well as state and county food safety and sanitation requirements found in California Retail Food Code.

Student organizations, adults and school organizations must obtain approval at the beginning of the school year or at least 45 days prior to the sale, through a memorandum of understanding with the Superintendent or designee.

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.

The sale of foods and beverages that do not comply with or exceed the competitive food and beverage standards may be permitted, only when the sale meets either of the following conditions:

- The sale takes place off and away from school premises
- The sales takes place at least one-half hour after the end of the school day

**Competitive Food and Beverage Sales – Adults and School Organizations**

Effective from midnight to one-half hour after the end of the official school day. Adults and school organization sales must comply with or exceed all state and federal competitive food and beverage regulations and nutrition standards AND all of the following:

1. The food or beverage item must be pre-approved by the Superintendent or designee.
2. Each school is allowed two sales per month.
3. The adult or school organization representative must be present during the sale.
4. The adult or school organization shall maintain records to document compliance with the state and federal competitive food and beverage regulations and nutrition standards – receipts, nutrition labels, product specifications, etc.

**Competitive Food and Beverage Sales – Student Organizations**

Effective from midnight to one-half hour after the end of the official school day. Student organization sales must comply with or exceed all state and federal competitive food and beverage regulations and nutrition standards AND all of the following:

1. Elementary Schools

The Superintendent or designee shall not permit the sale of food and beverages by a student organization except when all of the following conditions are met:

1. Only one food or beverage item per sale.
2. The food or beverage item must be pre-approved by the Superintendent or designee.
3. The sale must occur after the last lunch period has ended.
4. The food or beverage item cannot be prepared on campus.
5. Each school is allowed four sales per year.
6. The food or beverage item cannot be the same item sold in the food service program at that school during the same school day.
7. Maintain records to document compliance with the state and federal competitive food and beverage regulations and nutrition standards – receipts, nutrition labels, product specifications, etc.

2. Middle and High Schools

Student organizations may be approved to sell food and beverage items during or after the school day if all of the following conditions are met:

1. Up to three categories of foods or beverages may be sold each day (e.g. chips, sandwiches, juices, etc.)
2. The food or beverage item must be pre-approved by the Superintendent or designee.
3. The food or beverage items cannot be prepared on campus.
4. The food or beverage items cannot be the same items sold in the food service program at that school during the same school day.
5. Each school is allowed four sales per year.
6. Maintain records to document compliance with the state and federal competitive food and beverage regulations and nutrition standards – receipts, nutrition labels, product specifications, etc.

**OTHER FOOD SALES** (continued)

3554(c)

In addition, during the school day, the Superintendent or designee encourages all school organizations, staff, parents/guardians or other volunteers to support the District's Student Wellness Policy and Food and Nutrition Services program by considering nutritional quality, when offering at no cost, food and/or beverages for school or class parties, rewards, or other giveaways, or choosing non-food items instead.

*Legal Reference:*

EDUCATION CODE

35182.5 *Contracts, non-nutritious beverages*

48931 *Authorization and sale of food*

49430-49434 *Pupil Nutrition, Health, and Achievement Act of 2001*

51520 *School premises; prohibited solicitations*

CODE OF REGULATIONS, TITLE 5

15500 *Food sales in elementary schools*

15501 *Sales in high schools and junior high schools*

15575 *Definition for foods*

15576 *Definition for beverages*

15577 *Food and beverage restrictions*

15578 *Sale of food items*

HEALTH AND SAFETY CODE

113700-114437 *California Retail Food Code*

UNITED STATES CODE, TITLE 42

1751-1769j *National School Lunch Act, including:*

1758b *Local wellness policy*

1771-1791 *Child nutrition, School Breakfast Program*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*

220.1-220.21 *National School Breakfast Program*

Policy

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revised: October 16, 2019

**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California