

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

The School Board 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 the school district 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 program<sup>1</sup> 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 regulations<sup>2</sup>, except as provided for by school board policy in certain circumstances.

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

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<sup>1</sup> 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.

<sup>2</sup> “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
3. The public at community events (activities open to the general public) held on school property
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.

This policy applies to sales of foods and beverages at any time on school property by any person, group or organization.

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 at least some 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 that funds raised, through authorized sales outside the total food service program shall accrue to the sponsoring school or approved student organization in accordance with applicable policies, cash-management procedures and administrative directives. Funds from foods and water sales during normal school hours may occur, so long as the revenue gained through these sales goes to support student organizations.

Approved student organizations profiting from these sales shall include:

- Athletics, and other extra curricular activities;
- Student governments;
- Student participation in visual and performing arts activities;
- Educational fieldtrips;
- Activities designed by the student council/organizations; and
- the funding of scholarships.

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

Cross References: JJE— Student Fundraising Activities  
JF— Student Activities Funds  
KF— Community Use of School Facilities

1<sup>st</sup> Reading: 11-08-05

2<sup>nd</sup> Reading and Adoption: 12-06-05