

**OTHER FOOD SALES**

**Nutritional Standards for Foods and Beverages**

Note: Nutritional standards for food items currently in effect are contained in Education Code 38085. However, beginning July 1, 2007, these standards will be replaced by the standards specified in Education Code 49431 for elementary schools and Education Code 49431.2 for middle, and high schools, as amended and added by SB 12 (Ch. 235, Statutes of 2005). Education Code 49431, as amended, no longer makes compliance with the standards contingent upon state funding.

Nutritional standards for beverages sold to students are contained in Education Code 49431.5. SB 965 (Ch. 237, Statutes of 2005) amended Education Code 49431.5 to modify the list of allowable beverages and to establish standards for elementary, middle and high schools beginning July 1, 2007.

See AR 3550 – Food Service/Child Nutrition Program for further information regarding these standards.

To support children’s health and school nutrition education efforts, school, teacher, or parent group sponsored fundraising activities will only involve foods that meet nutrition and portion size standards for foods and beverages as specified by law. Schools will encourage fundraising activities that promote physical activity. The school district will make available a list of ideas for acceptable fundraising activities.

Beginning July 1, 2007, food sales outside the district’s food service program shall comply with the nutritional standards described in Education Code 49431 for elementary and K-8 schools, and Education Code 49431.2 for middle schools and high schools as amended and added by SB 12, Ch. 235, Statutes of 2005. (Education Code 38085, 49431, 49431.2)

Beginning July 1, 2007, beverage sales to K-12 students shall be subject to the nutritional standards described in Education Code 49431.5 as amended and added by SB 965, Ch. 237, Statutes of 2005. (Education Code 49431.5)

- (cf. 1230 – School Connected Organizations)*
- (cf. 1321 – Solicitations for Funds from and by Students)*
- (cf. 3550 – Food Service/Child Nutrition Program)*
- (cf. 5030 – Student Wellness)*

**Elementary and K-8 Schools**

Beginning July 1, 2007, the only foods that may be sold to a student at an elementary school during the school day are full meals and individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes. An individually sold dairy or whole grain food item may be sold if it meets all of the following criteria: (Education Code 49431) (SB 12, Ch. 235, Statutes of 2005).

## AR 3554(b)

1. Not more than 35 percent of its total calories are from fat.
2. Not more than 10 percent of its total calories are from saturated fat.
3. Not more than 35 percent of its total weight is composed of sugar, including naturally occurring and added sugar.
4. Its total calories do not exceed 175 calories.

Beginning July 1, 2007, the only beverages that may be sold to elementary students are:  
(Education Code 49431.5) (SB 965, Ch. 235, Statutes of 2005)

1. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener.
2. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener.
3. Drinking water with no added sweetener.
4. Milk that is 1-percent fat, 2-percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk.

Beginning July 1, 2007 the sale of foods or beverages that do not comply with the nutritional standards set forth in Education Code 49431 and 49431.5 and SB 12 and SB 965, may be permitted at an elementary or K-8 school, as part of a fundraising event, only when the items sold meet one of the following conditions: (Education Code 49431, 49431.5) (SB 12 and SB 965, Ch. 235, Statutes of 2005)

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

### **Middle and High Schools**

Beginning July 1, 2007, foods sold to students in middle schools and high schools, except foods served as part of a federally reimbursable meal program, shall meet the following standards:  
(Education Code 49430, 49431.2) (SB 12, Ch. 235, Statutes of 2005)

1. Each entrée item shall:
  - a. Not exceed 400 calories.
  - b. Contain no more than four grams of fat per 100 calories.
  - c. Be categorized as an entrée item in the national School Lunch or School Breakfast program.
2. For each snack item that supplements a meal:
  - a. Not more than 35 percent of its total calories shall be from fat, excluding nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruits, vegetables that have not been deep fried, or legumes.
  - b. Not more than 10 percent of its total calories shall be from saturated fat, excluding eggs or cheese packaged for individual sale.

**AR 3554(c)**

- c. Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar, excluding fruits or vegetables that have not been deep fried.
- d. Its total calories shall not exceed 250 calories.

Beginning July 1, 2007, the only beverages that may be sold to middle school and high school students are: (Education Code 49431.5) (SB 965, Ch. 235, Statutes of 2005)

- 1. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener.
- 2. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener.
- 3. Drinking water with no added sweetener.
- 4. Milk that is 1-percent fat, 2-percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk.
- 5. Electrolyte replacement beverages that contain no more than 42 grams of added sweetener per 20-ounce serving

Beginning July 1, 2007, the sale of food items that do not comply with the nutritional standards set forth in Education Code 49431.2 and SB 12, may be permitted at a middle school, or high school, as part of a fundraising event, only when the items sold meet one of the following conditions: (Education Code 49431.2) (SB 12, Ch. 235, Statutes of 2005)

- 1. The sale takes place off and away from school premises.
- 2. The sale takes place on school premises or during a school sponsored student activity, at least one-half hour before the start of the school day and one-half hour after the end of the school day.

Beginning July 1, 2007, beverage sales that do not comply with the nutritional standards set forth in Education Code 49431.5 and SB 965, may be permitted at a middle school or high school as part of a school event or fundraising activity under the following circumstances: (Education Code 49431.5) (SB 965, Ch. 235, Statutes of 2005)

- 1. The sale occurs during a school-sponsored event and takes place at the location of the event at least one-half hour before the start of the school day and one-half hour after the end of the school day.
- 2. Vending machines, student stores, and cafeterias are used later than one-half hour before the start of the school day and one-half hour after the end of the school day.

The school district will encourage healthy food and beverage options be available at all K-12 school sponsored events or activities.

### **Additional Requirements for Schools Participating in the National School Lunch or Breakfast Program**

The sale of foods during meal periods in food service areas shall 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. (7CFR 210.11, 220.12)

Note: 7 CFR 210.11 and 7 CFR 220.12 **mandate** that district rules and regulations prohibit the sale of foods of minimal nutritional value, as listed on Appendix B, Part 210, or Appendix B, Part 220 of the Code of Federal Regulations, in food service areas (entire campus) during breakfast and lunch periods.

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 (entire campus) during breakfast and lunch periods. (7 CFR 210.11, 220.12)

#### **Elementary or K-8 Schools**

The Superintendent or designee shall not permit the sale or service of foods or beverages by students, teachers, administrators or parent 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 specific food and beverage items must meet the approved nutritional standards, as described in AR 3554.
2. The sale or service of foods or beverages does not begin until after the close of the regularly scheduled midday food service period, and shall not be permitted during the daily instructional minutes.
3. The food or beverage items are prepared or purchased through a facility that has a health permit.

*(cf. 3550 – Food Services/Child Nutrition Program)*

*(cf. 3553 – Free and Reduced Price Meals)*

#### **Middle and High Schools**

**The Superintendent or designee shall not permit the sale or service of foods or beverages by students, teachers, administrators, or parent organizations in a high school or middle school that is participating in the National School Breakfast or Lunch Program, except when all of the following conditions are met. (5 CCR 15501)**

1. The specific food and beverage items must meet approved nutritional standards, as described in AR 3554.

**AR 3554(e)**

2. Only one student organization conducts a food sale on a given school day, except that up to four days during the school year may be designated on which any number or organizations may conduct the sale of any food items.
3. The food or beverage items are prepared or purchased through a facility that has a health permit.
4. The sale or service of foods or beverages does not begin until after the close of the regularly scheduled midday food service period and shall not be permitted during the daily instructional minutes.
5. The food items sold are not those sold in the district's food service program at the school during that school day.

*(cf. 3550-Food Services/Child Nutrition Program)*

*(cf. 3553-Free and Reduced Price Meals)*

Administration Regulation  
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**SAN JUAN UNIFIED SCHOOL DISTRICT**  
Carmichael, California