

**POWAY UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURE**

**Originator:** Director of Food and  
Nutrition

**Issue No:** 1

**Date:** 12/20/10

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**Reference:** EC 49431, 49431.2,  
49431.5, and 49431.7;  
CalCode 114021, 114332.3

**ARTICLE: 6.0 BUSINESS SUPPORT SERVICES**

**6.60 FOOD AND NUTRITION**

**6.62 OTHER SALES**

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**SECTION 6.62.1 Other Food and Beverage Sales**

California law regulates nutrition requirements for foods not reimbursed through the federally-funded school meal programs. Food and beverage sales outside the District's food and nutrition program shall comply with nutritional standards specified in Education Code 49431, 49431.2, 49431.5, and 49431.7.

**Standards for Elementary Schools:** The only foods that can be sold to a student at an elementary school during the school day are full meals that meet the federal meal pattern requirements for the National School Lunch or Breakfast Program, as well as 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 to students at an elementary school if it meets all of the following standards: not more than 35 percent of its total calories from fat; not more than 10 percent of its total calories from saturated fat; not more than 35 percent of its total weight composed of sugar; and not more than 175 calories per individual food item. (EC 49431)

Regardless of the time of day, the only beverages that may be sold to elementary school students are water with no added sweetener, milk with specified fat content, nondairy milk, and drinks with at least 50 percent juice and have no added sweetener. (EC 49431.5)

The sale of foods or beverages that do not comply with the standards specified in Education 49431 and 49431.5 may be permitted 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: (EC 49431, 49431.5)

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.

**Standards for Middle and High Schools:** The only foods that may be sold to a student in middle or high school, except food served as part of a USDA meal program, are individually-sold snacks that meet all of the following standards: not more than 35 percent of its calories from fat; not more than 10 percent of its total calories from saturated fat; not more than 35 percent of its total weight composed of sugar; and not more than 250 calories per individual food item. These standards do not apply to the sale of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruits, vegetables that have not been deep fried, or legumes. (EC 49431.2)

Entrée items sold to middle and high school students, except food served as part of a USDA meal program, shall contain no more than 400 calories and no more than 4 grams of fat per 100 calories and shall be categorized as entrée items in the School Breakfast Program or National School Lunch Program. (EC 49431.2)

From one-half hour prior to the start of school to one-half hour after school, the only beverages that may be sold to students at middle and high schools are water with no added sweetener, milk with specified fat content, nondairy milk, and drinks with at least 50 percent juice and have no

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added sweetener. In addition, specified electrolyte replacement drinks may be sold at middle or high schools.

Food and beverage sales that do not comply with the standards in law may be permitted at middle and high schools under the following conditions: (EC 49431.2, 49431.5)

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.
3. The sale occurs during a school-sponsored student activity after the end of the school day.
4. Vending machines, student stores, and cafeterias are used later than one-half hour after the end of the school day and not sooner than one-half before the start of the school day.

**Nutritional Standards for School Meals Program:** Any school that has students who meet federal eligibility criteria for free or reduced-price meals shall: (EC 49430.7)

1. Ensure that meals meet National School Lunch and/or Breakfast Program nutritional guidelines.
2. Not sell or serve a food item that the District or school has deep fried, par fried, or flash fried, as defined in Education Code 49430, or that has been deep fried, par fried, or flash fried as part of the manufacturing process in an oil or fat prohibited by Education Code 49430.7.
3. Not sell or serve a food item containing artificial trans fat, including vegetable shortening, margarine, or any kind of hydrogenated or partially-hydrogenated vegetable oil unless the manufacturer's documentation or label lists the trans fat content as less than 0.5 gram per serving.

**Foods of Minimal Nutritional Value:** No foods of minimal nutritional value, as listed in 7 CFR 210, Appendix B, and 7 CFR 220, Appendix B, shall be sold on campus during breakfast and lunch periods. (7 CFR 210.11, 220.12)

**Homemade Food:** Home baked or prepared food is not allowed on campus, except for individual use. (CalCode 114021, 114332.3)