

**POWAY UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE**

Originator: Director of Food and Nutrition
Issue No: 4
Date: 11/18/15
Page: 1 of 9
Reference: 7 CFR 210.11, 220.12;
5 CCR 15500, 15501

ARTICLE 6.0 BUSINESS SUPPORT SERVICES
6.60 FOOD AND NUTRITION
6.62 OTHER SALES

SECTION 6.62.4 Competitive Food and Beverage Sales

Purpose: To provide procedures to govern the sale of foods and beverages offered outside of and in competition with the Food and Nutrition Department program.

Background: Good nutrition is an essential part of the educational process. Numerous studies have proven the link between nutrition and academic performance as measured by test scores, attendance rates, tardiness, and discipline. It is vital that the school environment support the development of a healthy lifestyle, offer opportunities for students to make healthy and informed selections, and prepare students for academic success. The School Breakfast and School Lunch Programs are available to provide nutritious foods to all students. It is intended that these child nutrition programs be the main source of foods and beverages available at school. These programs have specific requirements to ensure that adequate nutrients are offered to promote health. The intent of this procedure is to encourage and enable schools to provide students with nutritious food and beverage choices that will enhance learning and promote healthy behaviors that can be maintained throughout life.

Definition of Terms:

Food Items: The term "food items" refers to both food and beverage.

Competitive Foods: All food and beverages sold to students on school campuses during the school day, other than reimbursable National School Lunch and School Breakfast meals.

Smart Snacks: Science-based nutrition standards for foods and beverages sold to children at school during the school day, outside the National School Lunch and School Breakfast programs.

Prepared on School Premises: Any food or beverage, prepared, heated, or reheated, such as: instant soup, hot chocolate, microwave popcorn, pizza, sandwiches, or hot dogs.

School Day: For the purpose of competitive foods, the period from midnight to 30 minutes after the end of the official school day.

School Campus/Food Service Area: For the purpose of competitive foods, all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

School-based Organizations: Includes but is not limited to associated student body organizations, booster clubs, PTA's, PTSA's, and similar entities.

Sold: The exchange of food or beverage for money, coupons, vouchers, or order forms, when **any part** of the exchange occurs on a school campus.

Scope: This procedure applies to all competitive foods and beverages sold in vending machines, snack bars, student stores, a la carte sales, at school activities, fundraisers, and other venues. This includes sales derived from all school-based organizations on school campuses from midnight to 30 minutes after the school day ends.

Authority: As a result of the Smart Snacks in School Rule enacted by the Healthy Hunger Free Kids Act of 2010, the Food and Nutrition Department is the School Food Authority (SFA) required to monitor all foods and beverages sold and/or served on school campuses and ensure compliance with all applicable competitive food and beverage requirements.

Guidelines for Sale of Food and Beverage Items: The only food and beverages authorized for sale at District schools outside the National School Lunch and Breakfast programs (including but not limited to the Student Store, vending machines, fundraising, etc.) before, during, and until 30 minutes after the end of the school day at all sites accessible to students shall meet federal, state, and local nutritional standards. Vending machines in faculty rooms are not subject to these criteria, provided that these machines are not accessible to students.

Elementary Schools/K-8 School: The principal may authorize one (1) school-based organization to sell one (1) food item during the school day (midnight to 30 minutes after school ends), when **ALL** of the following conditions are met: (5 CCR 15500)

1. The school-based organization may sell one (1) food item per sale.
2. There are no more than four (4) such sales per year per school.
3. The item sold is not prepared on school premises.
4. The item sold is commercially prepared, prepackaged, and has a food label with ingredients list and Nutrition Facts panel.
5. The item sold is not the same as any food items served by the Food and Nutrition program at the school that day.
6. The food sale does not begin until after the end of the last regularly scheduled lunch period.
7. The organization receives advance written approval of the food sale by the Food & Nutrition Department, using the Request for Approval to Sell a Food Item for Elementary Schools (Attachment A).
8. The specific food item is a fruit, non-fried vegetable, whole grain food, dairy food, or allowable protein food (nut, seed, legume, egg, or cheese), and meets the Poway Nutrition Standards for Elementary Schools (Attachment B).

Middle and High Schools: The principal may authorize a school-based organization to sell food items during the school day (midnight to 30 minutes after school ends) if **ALL** of the following conditions are met: (5 CCR 15501)

1. Only one (1) organization may conduct food sales each school day, and that organization may sell compliant food items from no more than **three (3) of these five (5)** pre-approved categories:
 - **Meat Snacks**, such as beef jerky or turkey sticks
 - **Whole Grain Popped Corn Products**, such as popcorn or kettlecorn
 - **Pudding**, with milk being the first ingredient listed
 - **Frozen Fruit Bars or Fruit Juice Bars**, with fruit or fruit juice being the first ingredient listed
 - **Nuts, Seeds, Nut Butters, and Seed Butters**, such as sunflower seeds or individual portions of peanut butter
2. The items sold are not prepared on school premises.

3. Each item is commercially prepared, prepackaged, and has a food label with ingredients list and Nutrition Facts panel.
4. The food categories sold are not the same as any food categories sold in the District's Food and Nutrition program at the school that day.
5. The organization receives advance written approval of the food sale from the Food and Nutrition Department, using the Request for Approval to Sell Food for Middle and High Schools form (Attachment C).
6. In addition to one organization food sale each day, the principal may establish up to four (4) days during the school year when any school-related organizations may sell not more than three (3) food categories from the pre-approved food categories listed in paragraph 1, above. On these days, all food items sold must still meet the requirements listed and must receive advance written approval from the Food and Nutrition Department using the Request for Approval to Sell Food for Middle and High Schools form (Attachment C).
7. The individual food items must meet the Poway Nutrition Standards for Middle/High Schools (Attachment D).

Commercial Vendors: Commercial vendors, including food trucks, are prohibited from soliciting, selling, or delivering food or beverage items on school property in competition with the District's Food and Nutrition Program. San Diego Municipal Code §54.0122(f) prohibits mobile food trucks from selling food and beverages within 500 feet of school property lines, between 7:00 a.m. and 4:00 p.m. on regular school days.

Vending Machines: All food and beverage vending machines located on school campuses are to be coordinated with the Food and Nutrition Department. This includes the nutritional content of food and beverages, placement of vending machines, and the time of operation. Food and beverage items in vending machines must conform to current federal, state, and local nutritional standards and competitive foods regulations.

Responsibilities:

1. The Food and Nutrition Department determines which foods and beverages comply with the District's nutrition and sanitation standards, and approves (in advance) all food and beverage items sold on campus during the school day.
2. Principal or their designee will review all food and beverages to be sold on campus and ensure compliance with all federal, state, and local regulations pertaining to the sale of food and beverages in schools.
3. Food and Nutrition Area Supervisors will monitor the content of food and beverages in vending machines, student stores, and other venues to ensure that only compliant items are sold to students. If it is determined that non-compliant items are in vending machines and/or student stores or that fundraising activities are not appropriately monitored, supervisors will report the condition to the Director of Food and Nutrition and the school principal or their designee.
4. The principal will advise the Director of Food and Nutrition and the appropriate Director of Learning Support Services, in writing, of the action taken.

SECTION 6.62. 4 Competitive Food and Beverage Sales

Poway Nutrition Standards - Elementary Schools For all Foods and Beverages Sold on Campus

ELEMENTARY SCHOOL – FOOD RESTRICTIONS

References: *Education Code* sections 49430, 49431, 49431.7; *California Code of Regulations* sections 15575, 15577, 15578; *Code of Federal Regulations* sections 210.11, 220.12

Applies to all K-5 schools and K-8 schools.

Effective from midnight to 30 minutes after school.

Applies to ALL foods sold to students by any entity outside the school meals programs.

Sold means the exchange of food for money, coupons, vouchers, or order forms, when **any part** of the exchange occurs on a school campus.

Compliant foods:

1. MUST meet the following:
 - a. Not more than 35% calories from fat (except nuts, nut butters, seeds, reduced-fat cheese, dried fruit+nut/seed combo with no added fat/sugar, fruit, non-fried veggies), **and**
 - b. Less than 10% calories from saturated fat (except reduced-fat cheese, dried fruit+nut/seed combo with no added fat/sugar), **and**
 - c. Not more than 35% sugar by weight (except fruit*, non-fried veggies, dried fruit+nut/seed combo with no added fat/sugar), **and**
 - d. Less than 0.5 grams trans fat per serving (no exceptions), **and**
 - e. Not more than 230 milligrams sodium (no exceptions), **and**
 - f. Not more than 175 calories per item/container (no exceptions)

AND

2. MUST meet **ONE** of the following:
 - a. Fruit
 - b. Non-fried vegetable
 - c. Dairy food
 - d. Nuts, Seeds, Legumes, Eggs, Cheese (allowable protein foods)
 - e. Whole grain item**

If exempt food(s) combine with nonexempt food(s) or added fat/sugar they must meet ALL nutrient standards above.

* Dried blueberries cranberries, cherries, tropical fruit, chopped dates or figs that contain added sugar are exempt from fat and sugar standards. Canned fruit in 100% juice only.

** A whole grain item contains:

- a. The statement "Diets rich in whole grain foods and low in total fat may help reduce the risk of heart disease," or
- b. A whole grain as the first ingredient, **or**
- c. A combination of whole grain ingredients comprising at least 51% of the total grain weight (manufacturer must verify), **or**
- d. At least 51% whole grain by weight.

Non-compliant foods may be sold from 30 minutes after school through midnight.

Groups or individuals selling foods/beverages to students must keep their own records as proof of compliance.

ELEMENTARY SCHOOL – BEVERAGE RESTRICTIONS

References: *Education Code* Section 49431.5, *California Code of Regulations* Section 15576, *Code of Federal Regulations* sections 210.10, 210.11, 220.8, 220.12

Applies to all K-5 schools and K-8 schools.

Effective from midnight to 30 minutes after school.

Applies to ALL beverages sold to students by any entity.

Sold means the exchange of beverages for money, coupons, vouchers, or order forms, when **any part** of the exchange occurs on a school campus.

A compliant beverage must be marketed or labeled as a fruit and/or vegetable juice, milk, non-dairy milk, or water, AND meet all criteria under that specific category.

Compliant beverages:

1. Fruit or Vegetable juice:
 - a. Not less than 50% juice **and**
 - b. No added sweeteners
 - c. Not more than 8 fl. oz. serving size
2. Milk:
 - a. Cow's or goat's milk, **and**
 - b. 1% (unflavored), nonfat (flavored, unflavored), **and**
 - c. Contains Vitamins A & D, **and**
 - d. Not less than 25% of the calcium Daily Value per 8 fl. oz, **and**
 - e. Not more than 28 grams of total sugar per 8 fl. oz.
 - f. Not more than 8 fl. oz. serving size
3. Non-dairy milk:
 - a. Nutritionally equivalent to milk (see 7 *CFR* 210.10(d)(3), 220.8(i)(3)), must contain per 8 fl. oz.:
 - Not less than 276 mg calcium
 - Not less than 8 g protein
 - Not less than 500 IU Vitamin A
 - Not less than 100 IU Vitamin D
 - Not less than 24 mg magnesium
 - Not less than 222 mg phosphorus
 - Not less than 349 mg potassium
 - Not less than 0.44 mg riboflavin
 - Not less than 1.1 mcg Vitamin B12, **and**
 - b. Not more than 28 grams of total sugar per 8 fl. oz, **and**
 - c. Not more than 5 grams fat per 8 fl. oz.
 - d. Not more than 8 fl. oz. serving size
4. Water:
 - a. No added sweeteners
 - b. No serving size

Non-compliant beverages may be sold from 30 minutes after school through midnight.

ELEMENTARY SCHOOL – SCHOOL-BASED ORGANIZATIONS

Reference: *California Code of Regulations* Section 15500

Effective from midnight to 30 minutes after school.

Applies to food and beverage sales by school-based organizations.

School-based organization sales must meet **all** of the following:

1. Only **one food or beverage item** per sale.
2. The food or beverage item must be **pre-approved** by the **Food and Nutrition Department** on the appropriate form.
3. The sale must occur **after all lunch periods** have ended.
4. The food or beverage item **cannot be prepared on campus.**
5. Each school is allowed **four sales** per year.
6. The food item cannot be the same item **sold in the Food and Nutrition program** at that school during the same school day.



POWAY UNIFIED SCHOOL DISTRICT
Food and Nutrition Department
Request for Approval to Sell Food – Middle and High Schools



This completed form, including Principal's signature and food package labels, must be received by PUSD Food and Nutrition Department at least 3 weeks prior to the proposed food sale.

The District encourages all organizations and entities to use non-food items for fundraising. Any organization that chooses to sell food must follow the California Smart Snacks in Schools nutrition standards that apply to all foods sold in schools from midnight until 30 minutes after school ends, as well as PUSD Administrative Procedure 5.31.1.

On middle and high school campuses, **one (1)** school-based organization may be allowed to sell food each day. That organization may be permitted to sell **up to three (3)** pre-approved food categories (see below) on a predetermined date, provided all items sold meet the following requirements:

- The food items are not prepared on campus.
- The food items are commercially prepared, prepackaged, and have food labels with ingredients lists and Nutrition Facts panels.
- Food categories are not the same as any food categories served by the Food & Nutrition Department on that day.
- The food items meet all California Smart Snacks in Schools nutrition standards and have been pre-approved by the Food & Nutrition Department using this form.

In addition to the one organization food sale each day, school administration may designate up to **four (4)** days per school year when any and all student organizations may sell foods from up to three (3) pre-approved categories. On those days, all food items sold must still meet the California Smart Snacks requirements listed above and must be approved in advance by the Food and Nutrition Department using this form.

School Name: _____ Organization/Group Name: _____

Date(s) of Sale: _____ Time of Sale: _____

Contact Person: _____

Phone Number: _____ Email: _____

Approved Food Categories (Select up to 3):

- [] **Meat Snacks**, individually packaged, such as beef jerky or turkey sticks
- [] **Popcorn Products**, individually packaged, such as popcorn or kettlecorn
- [] **Pudding**, individually packaged, with milk being the first ingredient listed
- [] **Frozen Fruit/Fruit Juice Bars**, individually packaged, with fruit or fruit juice as the first ingredient listed
- [] **Nuts, Seeds, Nut Butters, Seed Butters**, individually packaged, such as sunflower seeds or individual portions of peanut butter

Proposed Food Items:

Food Category (identified in list above)	Food Item	Manufacturer or Brand	Weight of 1 Serving (grams or ounces)	Food label Included?	
				YES	NO

Continued.....

**Poway Nutrition Standards -Middle/High Schools
For all Foods and Beverages Sold on Campus**

MIDDLE/HIGH SCHOOL – FOOD RESTRICTIONS

References: *Education Code* sections 49430, 49431.2, 49431.7, *California Code of Regulations* sections 15575, 15577, 15578, *Code of Federal Regulations* sections 210.11, 220.12

A **middle school** contains grades 6 to 8.

A **high school** contains any of grades 9 to 12.

Effective from midnight to 30 minutes after school.

Applies to ALL foods sold to students by any entity.

Sold means the exchange of food for money, coupons, vouchers, or order forms, when **any part** of the exchange occurs on a school campus.

Compliant foods:

1. **“Snack”** food items must be:
 - a. Not more than 35% calories from fat (except nuts, nut butters, seeds, reduced-fat cheese, dried fruit+nut/seed combo), **and**
 - b. Less than 10% calories from saturated fat (except reduced-fat cheese, dried fruit+nut/seed combo), **and**
 - c. Not more than 35% sugar by weight (except fruit*, non-fried veggies, dried fruit+nut/seed combo), **and**
 - d. Less than 0.5 grams trans fat per serving (no exceptions), **and**
 - e. Not more than 230 milligrams sodium (no exceptions), **and**
 - f. Not more than 200 calories per item/container (no exceptions)

AND must meet one of the following:

- g. Have fruit, vegetable, dairy, protein, or whole grain item** as the first ingredient, **or**
- h. Contain at least 10% DV for calcium or potassium or Vitamin D or dietary fiber (applicable through 6/30/16), **or**
- i. Be a combination food containing at least ¼ cup fruit or vegetable.

2. **“Entrée”** food items must be:
 - a. Meat/meat alternate and whole grain rich food; **or**
 - b. Meat/meat alternate and fruit or non-fried vegetable; **or**
 - c. Meat/meat alternate alone (cannot be yogurt, cheese, nuts, seeds, or meat snacks = these are considered a “snack”),

AND

An individual entrée offered by Food Service the day of or the day after it appears on the reimbursable meal program menu must be:

- a. Not more than 400 calories, **and**
- b. Not more than 4 grams of fat per 100 calories
- c. Less than 0.5 grams trans fat per serving

An entrée sold by Food Service if not on the reimbursable menu the day of or day prior, or sold by any other entity (PTA, student organization, etc.) must be:

- a. Not more than 35% calories from fat, **and**
- b. Less than 10% calories from saturated fat, **and**
- c. Not more than 35% sugar by weight, **and**
- d. Less than 0.5 grams trans fat per serving, **and**
- e. Not more than 480 milligrams sodium, **and**
- f. Not more than 350 calories

AND must meet one of the following

- g. Have fruit, vegetable, dairy, protein, or whole grain item as the first ingredient, **or**
- h. Contain at least 10% DV for calcium or potassium or Vitamin D or dietary fiber (applicable through 6/30/16), **or**
- i. Be a combination food containing at least ¼ cup fruit or vegetable.

MIDDLE/HIGH SCHOOL – BEVERAGE RESTRICTIONS

References: *Education Code* Section 49431.5, *California Code of Regulations* Section 15576, *Code of Federal Regulations* sections 210.10, 210.11, 220.8, 220.12

A **middle school** contains grades 6 to 8.

A **high school** contains any of grades 9 to 12.

Effective from midnight to 30 minutes after school.

Applies to ALL beverages sold to students by any entity.

Sold means the exchange of food for money, coupons, vouchers, or order forms, when **any part** of the exchange occurs on a school campus.

A compliant beverage must be marketed or labeled as a fruit and/or vegetable juice, milk, non-dairy milk, water, or electrolyte replacement beverage/sports drink AND meet all criteria under that specific category.

Compliant beverages:

1. Fruit or Vegetable juice:
 - a. Not less than 50% juice **and**
 - b. No added sweeteners
 - c. Not more than 12 fl. oz. serving size
2. Milk:
 - a. Cow’s or goat’s milk, **and**
 - b. 1% (unflavored), nonfat (flavored, unflavored), **and**
 - c. Contains Vitamins A & D, **and**
 - d. Not less than 25% of the calcium Daily Value per 8 fl. oz, **and**
 - e. Not more than 28 grams of total sugar per 8 fl. oz.
 - f. Not more than 12 fl. oz. serving size
3. Non-dairy milk:
 - a. Nutritionally equivalent to milk (see 7 *CFR* 210.10(d)(3), 220.8(j)(3)), **and**
 - b. Not more than 28 grams of total sugar per 8 fl. oz, **and**
 - c. Not more than 5 grams fat per 8 fl. oz.
 - d. Not more than 12 fl. oz. serving size
4. Water:
 - a. No added sweeteners
 - b. No serving size limit
5. No-calorie Electrolyte Replacement Beverages (NOT ALLOWED IN MIDDLE SCHOOLS)
 - a. Water as first ingredient
 - b. Not more than 16.8 grams added sweetener/8 fl. oz.
 - c. Not more than 5 calories/8 fl. oz. (or ≤ 10 cal/20 fl. oz.)
 - d. 10-150 mg sodium/8 fl. oz.
 - e. 10-90 mg potassium/8 fl. oz.
 - f. No added caffeine
 - g. Not more than 20 fl. oz. serving size
6. Low-calorie Electrolyte Replacement Beverages (NOT ALLOWED IN MIDDLE SCHOOLS)
 - a. Water as first ingredient
 - b. Not more than 16.8 grams added sweetener/8 fl. oz.
 - c. Not more than 40 calories/8 fl. oz.
 - d. 10-150 mg sodium/8 fl. oz.
 - e. 10-90 mg potassium/8 fl. oz.
 - f. No added caffeine
 - g. Not more than 12 fl. oz. serving size

Non-compliant beverages may be sold from 30 minutes after school through midnight.

**Poway Nutrition Standards -Middle/High Schools
For all Foods and Beverages Sold on Campus**

If exempt food(s) combine with nonexempt food(s) or added fat/sugar they must meet ALL nutrient standards above.

* Dried blueberries cranberries, cherries, tropical fruit, chopped dates or figs that contain added sugar are exempt from fat and sugar standards. Canned fruit in 100% juice only.

** A whole grain item contains:

- a. The statement "Diets rich in whole grain foods and low in total fat may help reduce the risk of heart disease," or
- b. A whole grain as the first ingredient, or
- c. A combination of whole grain ingredients comprising at least 51% of the total grain weight (manufacturer must verify), or
- d. At least 51% whole grain by weight.

Non-compliant foods may be sold from 30 minutes after school through midnight.

Groups or individuals selling foods/beverages to students must keep their own records as proof of compliance.

MIDDLE/HIGH SCHOOLS – SCHOOL-BASED ORGANIZATIONS

Reference: California Code of Regulations Section 15501

Effective from midnight to 30 minutes after school.

Applies to food and beverage sales by all school-based organizations (PTA, student groups, etc.)

1. Up to **three categories** of food items *may* be sold each day (e.g., meat snacks, popcorn products, puddings, frozen fruit, or nut items)
2. Food item(s) must be **pre-approved** by the **Food and Nutrition Department** on the appropriate form.
3. Only **one school-based organization** is allowed to sell each day.
4. Food item(s) **cannot be prepared on the campus.**
5. The food categories sold **cannot** be the same as the categories **served by the Food and Nutrition Department** on that day.
6. In addition to one school-based organization sale each day, any and **all student organizations** may sell food items from the three (3) pre-approved categories on the **same four designated days** per year. School administration may set these dates.