

COLORADO DEPARTMENT OF EDUCATION

Colorado State Board of Education

1 CCR 301-79

RULES FOR THE ADMINISTRATION OF THE HEALTHY BEVERAGES POLICY

1.0 Statement of Basis and Purpose

The statutory basis for these rules is found in sections § 22-32-136 (3) (a) (II), § 22-30.5-505, and § 22-30.5-517, Colorado Revised Statutes § 22-32-134.5.

Pursuant to these statutes, the State Board of Education shall promulgate rules to achieve the following purposes, including but not limited to:

- (a) Describing beverages that school districts and schools may permit to be sold to students;
- (b) Each beverage described shall satisfy minimum nutritional standards for beverages, which standards are science-based and established by a national organization; and
- (c) Describing specific events occurring outside of the regular and extended school day.

2.0 Definitions

- 2.01 "Public School" means a school that received a majority of its funding from moneys raised by a general state, county, or district tax and whose property is owned and operated by a political subdivision of the state.
- 2.02 "State Board" means the State Board of Education created pursuant to Section 1 of Article IX of the State Constitution.
- 2.03 "Extended School Day" means the regular hours of operation for any public school including institute charter schools, plus any time spent by students after the regular hours of operation for any purpose, including but not limited to participation in extracurricular activities or childcare programs.

3.0 Establishing of Healthy Beverage Standards for Schools

- 3.01 Beginning July 1, 2009, beverages sold to students on school grounds during the regular and extended school day shall, at a minimum, meet the following nutritional standards.

3.01.1 Beverages sold in elementary school

- (a) Bottled water
- (b) Up to 8 ounce servings of fat free or low fat milk. Milk includes nutritionally equivalent milk alternatives (per USDA)

- (c) Up to 8 ounce servings of fat free or low fat nutritionally equivalent flavored milk up to 150 calories / 8 ounces
- (d) Up to 8 ounce servings of 100% juice, with no added sweeteners and up to 120 calories / 8 ounces

3.01.2 Beverages sold in middle school

- (a) Bottled water
- (b) Up to 10 ounce servings of fat free or low fat milk. Milk includes nutritionally equivalent milk alternatives (per USDA)
- (c) Up to 10 ounce servings of fat free or low fat nutritionally equivalent flavored milk up to 150 calories / 8 ounces
- (d) Up to 10 ounce servings of 100% juice, with no added sweeteners and up to 120 calories / 8 ounces

3.01.3 Beverages sold in high school

- (a) Bottled water
- (b) No or low calorie beverages with up to 10 calories / 8 ounces, except diet soda may not be sold in high school (e.g., unsweetened or diet teas, low calorie sport drinks, fitness waters, flavored waters, seltzers)
- (c) Up to 12 ounce servings of fat free or low fat milk. Milk includes nutritionally equivalent milk alternatives (per USDA)
- (d) Up to 12 ounce servings of fat free or low fat nutritionally equivalent flavored milk up to 150 calories / 8 ounces
- (e) Up to 12 ounce servings of 100% juice, with no added sweeteners and up to 120 calories / 8 ounces
- (f) Other drinks, up to 12 ounce servings with no more than 66 calories / 8 ounces
- (g) At least 50% of non-milk beverages must be water and no or low calorie options

- 3.02 If the middle and high school students have shared access to areas on a common campus or in common buildings, then the school community has the option to adopt the high school standard.
- 3.03 The sale of beverages to students from any source includes but is not limited to: school cafeterias, vending machines, school stores, and fund-raising activities conducted on school campuses.
- 3.04 The provisions of these beverage standards shall apply to beverage contracts entered into or renewed by a school district on or after July 1, 2009.
- 3.05 To the greatest extent possible beverage products should be Colorado produced products.

4.0 Events occurring outside of the regular and extended school day

- 4.01 The extended school day includes but is not limited to, before and after school activities such as clubs, year book, band, student government, drama, and childcare/latchkey programs.
- 4.02 School-Related Events where parents and other adults are a significant part of an audience are exempt from these rules. Such activities include but are not limited to selling beverages as boosters at events such as interscholastic sporting events, school plays, and band concerts.

5.0 Implementation Procedures

- 5.01 On or before July 1, 2009, each school district board of education and the state charter school institute shall adopt and implement a policy for the sale of beverages that at a minimum meet the standards set forth in these rules.