

OTHER FOOD SALES

With the approval of the governing board and/or Superintendent or designee, food sales may be held by school-related groups, including but not limited to students, teachers, parents/guardians and booster groups, provided that these sales are in compliance with state and federal regulations, Board Policy, and Administrative Procedures. Such food sales shall not impair student participation in the district's food service program.

(cf. 1230 - School-Connected Organizations)
(cf. 3550 - Food Service/Child Nutrition Program)

Sanitation and safety procedures shall comply with the requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.

No foods of minimal nutritional value shall be sold on school premises during the school day. (7 CFR 210.11, 220.12)

All foods offered for sale at any school on any school day by any student or adult entity or organization must be approved by the Governing Board or designee, and at least 50 percent of these foods shall be selected from the nutritious foods listed in Education Code 38085. (Education Code 38085; 5 CCR 15500-15501)

Fund-Raisers

When desiring to raise money for district schools or student groups by selling food items, organizations are encouraged to select items of good nutritional quality. All profits from such fund-raisers shall benefit the school or student groups sponsoring the sale.

(cf. 1321 - Solicitations of Funds from and by Students)

Legal Reference: (see next page)

OTHER FOOD SALES (continued)

Legal Reference:

EDUCATION CODE

38085 *Sale of specified food items*

48931 *Authorization and sale of food*

49430-49436 *Pupil Nutrition, Health, and Achievement Act of 2001*

51520 *School premises; prohibited solicitations*

CODE OF REGULATIONS, TITLE 5

15500 *Food sales in elementary schools*

HEALTH AND SAFETY CODE

113700-114455 *California Uniform Retail Food Facilities Law, especially:*

114200-114245 *Vending Machines*

UNITED STATES CODE, TITLE 42

1751 *et seq. National School Lunch Act*

1771-1791 *Child Nutrition*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*

220.1-220.21 *National School Breakfast Program*

Management Resources:

CDC PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment

Policy
adopted: June 2002
revised: July 19, 2005

CYPRESS SCHOOL DISTRICT
Cypress, California

Business and Noninstructional Operations

AR 3554

OTHER FOOD SALES

Student organizations may sell nutritious food items approved by the Superintendent or Food Service office only if such sales are conducted in compliance with 5 CCR 15500-15501. Items sold during the regular school day must not be food items prepared on school premises or sold in the food service program at school during that day. (5 CCR 15500-15501)

In schools with any of grades K through 6, a student organization may sell not more than one food item at a time. The food item sold shall be a dessert-type food such as pastry, ice cream or fruit, and there shall no more than three such sales per year per school. In addition, these sales shall not begin until after the close of the regularly scheduled midday food service period. (5 CCR 15500)

The above regulations regarding the frequency and content of food sales shall apply to eligible adult groups as well as student organizations.

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, accrues to the benefit of the school or the school food service program. (7 CFR 210.11, 220.12)

In order to be eligible to conduct food sales during school hours and within one hour before and one hour after school hours, a parent/guardian group or outside group must be legally organized for charitable and nonpartisan purposes and the purpose of the solicitation must be approved in accordance with Board Policy. (Education Code 51520)

Home-baked goods are not allowed, however, store bought foods may be sold by an organization on no more than three occasions during the school year . Any such sale must be conducted on school property with the prior consent of the Food Service office or Superintendent. (Health and Safety Code 113785, 113825)

The Superintendent or designee, in coordination with Food Services, shall ensure all foods and beverages sold outside of the Food Services program comply with the nutritional standards of Education Code 49431:

1. Non-nutritious foods, including but not limited to candy and beverages, can be sold only if the items are sold by students of the school and cannot be sold by or to students during their official school day (defined as one half hour before the official school day begins, until one half hour after the official school day ends).
2. The District encourages fundraisers that reflect our commitment to student health. Fundraisers such as the sale of non-food items, nutritious food items, and physical activity events are strongly encouraged.

Regulation
approved: June 2002
revised: July 19, 2005

CYPRESS SCHOOL DISTRICT
Cypress, California