

Business and Non-Instructional Operations

Other Food Sales

The Board of Education shall permit food sales by student or adult entities or organizations provided that these sales are in compliance with state and federal regulations so as to ensure optimum student participation in the school food service program. It is the intent of the Board that food sales outside of the nutrition service program, including those food sales in direct competition with the school program, do not impair the ability of the school nutrition service program to be financially sound and self-supporting.

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 et seq.

No foods of minimal nutritional value shall be sold in food service areas during breakfast and lunch periods. At least 50% of all foods offered for sale at any school on any school day by any student or adult entity or organization shall be selected from the nutritious foods listed in E.C. 39876.

**Use of Outside Food Vendors**

Foods shall not be sold on district school premises by outside commercial food vendors. The profits from all food sales, including vending machines which sell approved food or drinks, must benefit the school, the school food service program or the student groups sponsoring the sales.

**Fundraising Considerations**

Whether sold on or off school premises, foods sold to raise money for our schools shall reflect the health and nutrition concepts taught in our classrooms. All fundraisers involving the sale of food shall be planned in cooperation with the Nutrition Services Director and presented to the site administrator or designee for review of compliance with this policy and state and federal law. All profits from such fundraisers shall benefit the specific pre-determined needs of the student groups sponsoring the sales, the school or the school food service program. (cf. 1321 - Solicitations of Funds from and by Students) (cf. 3550 - Nutrition Service)

(Legal Reference next page)

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
- 15501 Sales in high schools and junior high schools

HEALTH AND SAFETY CODE

- 113700-114455 California Uniform Retail Food Facilities Law, including:
- 114200-114245 Vending machines

UNITED STATES CODE, TITLE 42

- 1751-17691 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