

SALES OF FOODS IN COMPETITION WITH THE FOOD SERVICE PROGRAM

The School Department supports good nutrition and healthy eating habits for students. The Board believes that nutrition influences a student's ability to benefit from the educational program and that good nutrition is related to student achievement. Foods and beverages sold as part of the School Department's food service program shall include only those items which contribute to the nutritional needs of children and the development of desirable food habits, and shall not include foods of "minimal nutritional value" as defined in federal regulations.

A. Exceptions to the Requirement that Foods and Beverages Be Sold as Part of the Food Service Program

The Board recognizes that the sale of foods and beverages outside of the School Department's food service program often provides a significant source of funds for student activities/programs and community organizations using school facilities. Therefore, Board will allow the sale of foods and beverages outside of the food service program as follows:

1. To school staff;
2. To the public at school-sponsored community events held on school property (i.e., school-sponsored events that are open to the public, such as plays or art shows);
3. To the public at community events held on school property in accordance with the Board's facilities use policy;
4. By a school-approved student organization or program if consistent with the requirement that such sales not include foods of "minimal nutritional value" (see Section B).

B. Restrictions on Sales of Foods/Beverages of "Minimal Nutritional Value"

In general, foods and beverages sold on school property may not include foods of "minimal nutritional value." Federal regulations identify the following categories of foods and beverages as foods of "minimal nutritional value": soda water; water ices, chewing gum, and certain candies, including hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy, and candy-coated popcorn. The only exceptions to the prohibition on sales of foods and beverages of "minimal nutritional value" are sales to school staff and sales to the public at a community or school-sponsored event. Foods and beverages of "minimal nutritional value" may not be sold to students at any time except during an event open to the public. For example, foods and beverages of "minimal nutritional value" cannot be sold during dances open only to students.

C. Funds from Food and Beverage Sales Outside the Food Service Program

In general, funds from all food and beverage sales made at any time on school property shall accrue to the benefit of the food service program. However, school-approved/sponsored student organizations/programs and non-school sponsors of public events held in accordance with the Board's facilities use policy may retain funds raised through the sale of foods and beverages authorized by this policy.

D. Policy Implementation

The Superintendent is responsible for implementing this policy and for developing any administrative procedures necessary, consistent with applicable state and federal laws and regulations. The Superintendent may delegate specific responsibilities to administrators and other school staff as he/she deems appropriate.

Legal Reference: 42 U.S.C. § 1751 et seq. (National School Lunch Program)  
7 C.F.R. Part 210 et seq.  
20-A M.R.S.A. § 6601  
Maine Department of Education Rule Chapter 51 (Child Nutrition Programs in Public Schools and Institutions)

Cross Reference: KF – Community Use of School Facilities  
KJA - Relations with Booster Groups

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