

MAINE SCHOOL ADMINISTRATIVE DISTRICT #33

Competitive Food Sales-Sales of Foods in Competition with the School Food Service Program

Maine School Administrative District #33 believes that good nutrition is a prime factor in a student's ability to learn. In addition to families, the school environment plays a vital role in shaping a student's nutritional health throughout the growing years. MSAD #33 will encourage the development of life-long health promoting habits through education and modeling. Foods or beverages offered or sold on school grounds shall contribute to the nutritional needs of children, provide for the development of desirable food habits, and enhance the District's health curriculum.

The Board also recognizes that proceeds from the sale of foods and beverages outside of the School Lunch Program ("competitive foods") are a significant source of funds for student activities that MSAD #33 might not otherwise be able to provide.

The Board has adopted this policy to govern the sale of foods and beverages on school property.

Restriction on Sale of Competitive Foods

Maine Department of Education Rule Chapter 51 mandates that any food or beverage sold at any time on school property of a school participating in the National School Lunch or School Breakfast Programs shall be a planned part of the total food service program of the school and shall include only those items which contribute to both the nutritional needs of children and the development of desirable food habits, and shall not include foods of minimal nutritional value as defined in applicable federal regulations (see also JL-E, Nutrition Guidelines for Student Wellness), except as provided for by school board policy in certain circumstances.

The "Total Food Service Program" includes the federal Milk Program, the federal Breakfast Program, the National School Lunch Program, or any combination of these programs.

As allowed by Rule Chapter 51, the Board permits the *sale* of food and beverages outside of the total food service program:

1. to school staff in areas that are not accessible to students;
2. to the public at community events sponsored by the school or held on school property;
3. to the public at community events held on school property in accordance with the school board's facilities use policy;
4. in the District's State-approved instructional Career and Technical Education (CTE) Culinary Arts Program (provided the food is sold within the Culinary Arts Program); and

5. by a school, approved student organization or program if consistent with the requirement that such sales not include foods of minimal nutritional value as defined in 7 C.F.R. § 210.11(a)(2).

This policy applies to *sales* of foods and beverages at any time on school property by any person, group, or organization.

Fundraisers

Student groups and adult-based organizations that sponsor the sale of foods and/or beverages as a fundraiser shall be required to select healthy choices that meet or exceed the Nutrition Standards. School staff will be available to determine if a particular item considered for sale meets the minimal nutritional standards.

Funds from Sales of Competitive Foods

Funds from all food and beverage sales made at any time on school property shall accrue to the benefit of the school's non-profit food service program, except that funds received from the sale of foods and beverages at food sales, community events, school stores, and in school vending machines shall accrue to the sponsoring school or approved student organization in accordance with applicable policies, cash-management procedures and administrative directives, or to the sponsor of a community event that is held on school property in accordance with the Board's facilities use policy.

Delegation of Responsibility

The Superintendent/designee shall be responsible for enforcement of this policy. A school unit employee who observes conduct he/she believes to be a violation of this policy or is informed of such conduct by a parent, student or community member should contact the building administrator or Superintendent/designee.

Legal References: Ch. 51 (Department of Education Rule, Child Nutrition Programs in Public Schools and Institutions)

Cross References: JJE – Fund-Raising Activities/Projects
JL – Student Wellness
JL-E – Nutrition Guidelines for Student Wellness
KF – Community Use of School Facilities

History: Adopted Meeting #780 April 7, 2003
 Revised Meeting #837 April 2, 2007
 Reviewed Meeting #916 June 20, 2012