

FOOD SALES BY STUDENT ORGANIZATIONS

The following guidelines for competitive food sales for all student organizations are consistent with Board Policy 5461; Section 10 of the Child Nutrition Act of 1966, 42 USC 1779, as amended by the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), requires that all food sold outside of the school meal programs, on the school campus and at any time during the day must meet the nutrition standards set forth in the interim final rule titled “National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010.” This interim final rule, also known as the “Smart Snacks” rule, was published on June 28, 2013, and is effective on July 1, 2014. The governing board of any district or a county superintendent of schools maintaining a high school or a junior high school may permit an organization consisting solely of pupils of such school to sell food items in compliance with Smart Snacks in School Federal Regulations (CFR, Title 7, Section 210.11) during ~~or after~~ the regular school day if the following conditions are met:

- (a) The specific nutritious food items are approved by the governing board.
- (b) On four designated days (for example, school sponsored International Food Day) during the school year, any one or more student organizations may conduct sales of approved food items provided such sales are held on the same four days for any or all student organizations.
- (c) The sales during the regular school day are not of food prepared on the premises.
- (d) The food items sold during the regular school day are not those sold by the District in the Food Services program at that school during that school day.
- (e) Forty-eight hours prior to the sale, the representative of the organization shall notify the Food Service Manager of the kinds of food that shall be sold.
- (f) Food sold by student organizations shall be provided under the California Restaurant Act, California Health and Safety Code, Section 28616: "Ingredients used in the preparation of foods or beverages, and all foods or beverages offered for sale, sold or served, shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale and served so as to be pure, free from adulteration and spoilage; shall have been obtained from approved sources, when such approval is required by law; shall otherwise be fully fit for human consumption..."
- (g) Food sales should reflect a concern for the health and well-being of the students. Food sales shall be restricted in a manner consistent with State regulations for the purpose of ensuring optimum student participation in the food service program.
- (h) State and local regulations shall apply to all school-approved groups, including but not limited to students, teachers, parents, booster groups, adult groups, and outside vendors. Enforcement of this regulation shall be the responsibility of the site administrator – not the Food Service Director.

Effective July 1, 2014, from midnight to one-half hour after school, all food sold to students must meet the Federal and California Healthy Food and Beverages Guidelines. The Guidelines for Healthy Food and Beverages are as follows:

Fullerton Joint Union High School District
AR 3440.1(b)

“Snack” food item must be

- Less than or equal to 35% calories from fat, and
- Less than 10% calories from saturated fat, and
- Less than or equal to 35% sugar by weight, and
- Less than 0.5 grams trans fat per serving – NO EXCEPTIONS, and
- Less than or equal to 230 milligrams sodium – NO EXCEPTIONS, and
- Less than or equal to 200 calories per item – NO EXCEPTIONS, and
- Have fruit, vegetable, dairy, protein, or whole grain as the first ingredient or contain greater to or equal 10% Daily Value for calcium or potassium or Vitamin D or dietary fiber or be a combination food containing at least ¼ cup fruit or vegetable.

“Entrée” food item must be protein and whole grain or protein and fruit/vegetable or protein alone (cannot be yogurt, cheese, or nuts because this would be considered a snack)

AND

- Less than or equal to 350 calories, and
- Less than or equal to 35% calories from fat, and
- Less than 10% calories from saturated fat, and
- Less than or equal to 35% sugar by weight, and
- Less than 0.5 grams trans fat per serving – NO EXCEPTIONS, and
- Less than or equal to 480 milligrams sodium – NO EXCEPTIONS

“Beverages” must be

- 50% Fruit or Vegetable juice – no added sweeteners – less than or equal to 12 fl oz serving size
- 1% Unflavored or Non-fat Flavored or Unflavored Milk – contains Vitamin A & D – greater than or equal to 25% of the calcium DV per 8 fl oz – less than 28 grams of total sugar per 8 fl oz – 12 fl oz serving size
- No-Calorie Electrolyte Replacement Beverages – water as first ingredient – less than or equal to 16.8 grams added sweetener per 8 fl oz – less than or equal to 5 calories per 8 fl oz – 10-150 mg NA⁺ and 10-90 mg K⁺ per 8 fl oz – no added caffeine – less than or equal to 20 fl oz serving size
- Low-Calorie Electrolyte Replacement Beverages – water as first ingredient – less than or equal to 16.8 grams added sweetener per 8 fl oz – less than or equal to 40 calories per 8 fl oz – 10-150 mg NA⁺ and 10-90 mg K⁺ per 8 fl oz – no added caffeine – less than or equal to 12 fl oz serving size

Reference: SB 362014 Smart Snacks Nutrition Standards – California Education Code Section 49430-49431.7 (SB 12, 965, AB 626); California Education Code Regulation, Title 5, Sections 15565-15578; California Code of Regulations, Title 5, Sections 15500-15501, Student Organizations; U.S. Code Title 42, Section 1776, Wellness Policy; Code of Federal Regulations, Title 7, Section 210.11, Smart Snacks

Regulation approved: November 1, 1988; September 8, 2014