

All employees or other individuals who select foods or beverages to be sold to students on a school campus during the school day shall select and procure such foods and beverages in a manner consistent with the goals established by the board in policy 6200, Goals of School Nutrition Services, and policy 6140, Student Wellness, and with all state and federal laws and regulations. Additionally, in furtherance of the board's goals, the board establishes the following standards for school meals and other foods sold or available on school campuses.

A. SCHOOL MEAL REQUIREMENTS

Meals and snacks provided through the National School Lunch, School Breakfast, and After School Snack Programs must comply with all federal nutrition standards applicable to the respective program, including meal component requirements and dietary standards.

B. FOODS OTHER THAN SCHOOL MEALS

1. Definitions

a. School day

As used in this policy, "school day" means the period from midnight through **30 minutes after the dismissal bell rings.**

b. Competitive foods

Competitive foods are all foods and beverages, other than meals reimbursed through the federally-funded school nutrition programs, available for sale to students on campus during the school day.

Foods Sold From Midnight Until the End of the Last Lunch Period sale of food and beverages between midnight and the end of the last lunch period is the responsibility of the School Nutrition Program (SNP), and the SNP will retain the proceeds. No foods or beverages may be sold to students on any school campus during that time period except through the School Nutrition Program. The school principal and SNP personnel shall ensure that all competitive foods, including vended *a la carte* and all other *a la carte* or supplemental food and beverages, sold during that time period meet the federal Smart Snacks nutrition standards.

2. Foods Sold Between the Last Lunch Period and the End of the School Day

Each year, through its School Nutrition Program Annual Agreement, the board will establish accountability for the sale of competitive foods during the period between the end of the last lunch period and the end of the school day. All foods sold during that period must comply with the federal Smart Snacks nutrition standards. This includes foods sold in vending machines (see subsection B.4 and B.5, below), in

school stores, fund-raisers and in other sales venues on the school campus.

3. **Foods Sold After the School Day**

Foods sold after the school day are not subject to the federal Smart Snacks standards but are subject to any school rules established pursuant to policy 6140, Student Wellness.

4. **Vending Sales During the School Day**

In elementary schools, no beverage or snack vending to students is permitted outside of the School Nutrition Program.

In middle and high schools, all vended snack foods and beverages sold during the school day must meet the federal Smart Snacks standards and any more restrictive state requirements.

Bottled water must be available in every school that has beverage vending.

5. **Fund-Raising Activities Involving Food or Beverages**

All fund-raising activities that involve the sale of food or beverages to students during the school day must comply with the federal Smart Snacks standards. However, no such fund-raising activities are permitted from midnight until the end of the last lunchservice, or 30 minutes after school day ends per School Nutrition Program annual agreement. Tokens of exchange for foods or beverages to be delivered later in the day also are prohibited during this time period.

Fund-raising activities that are conducted after the school day are not required to comply with the federal Smart Snacks nutrition standards, but are subject to policy 6140, Student Wellness, and any school rules established pursuant to that policy.

6. **Foods Brought from Home for School Events**

Each school principal may establish standards for food and beverages brought from home to be shared for classroom events or parties during the school day or for extracurricular activities after school. The board encourages principals to establish rules that are consistent with the Smart Snacks nutrition standards.

7. **Responsibility for Compliance with the Limits on the Sale of Competitive FOODS**

The limitations on the sale of competitive foods during the school day established by law and this policy are intended to encourage students to develop healthy eating habits and to ensure the ability of the schools to provide nutritious meals at the

lowest possible cost.

All employees, student groups, volunteers, school support organizations, and other parties within the school environment must comply with the restrictions and conditions on the sale of competitive foods to students during the school day imposed by federal and state law, this policy, and the terms of the board's SCHOOL Nutrition PROGRAM Annual Agreement.

The superintendent shall hold each principal responsible for consistent enforcement of this policy.

8. Consequences for Non-Compliance with the Limits on the Sale of Competitive Foods

Employees will be subject to disciplinary sanctions for violating the requirements pertaining to the sale of competitive foods as described in this or other relevant board policy, the board's School Nutrition Program Annual Agreement, or federal or state law or regulation. Discipline may include suspension or dismissal for repeated willful violations. The superintendent may take all reasonable steps necessary to prevent violation of the competitive foods rules by any student or student group, volunteer, school support organization, or other party.

If a school is found by the North Carolina Department of Public Instruction to be in violation of the rules pertaining to the sale of competitive foods as established in federal or state law or State Board of Education policy TCS-S-000 and the violations results in a monetary sanction against the School Nutrition Program, the superintendent may require the school's principal to reimburse the School Nutrition Program from the operating account of the school.

Nothing in this policy is intended to regulate or limit foods that students bring from home as part of a bag lunch.

Legal References: Child Nutrition Act of 1966, 42 U.S.C. 1771 *et seq.*; Healthy, Hunger-Free Kids Act of 2010, P.L. 11-296, 7 C.F.R. Part 210; National School Lunch Act, 42 U.S.C. 1751, *et seq.*; G.S. 115C-47(7), -47(22), -263, -264, -264.2, -264.3; State Board of Education Policy TCS-S-000, TCS-S-002; *Eat Smart: North Carolina's Recommended Standards for all Foods Available in School*, NC Department of Health and Human Services, NC Division of Public Health (2004)

Cross References: Student Wellness (policy 6140), Goals of School Nutrition Services (policy 6200)

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