

## **SALES OF FOODS IN COMPETITION WITH THE FOOD SERVICE PROGRAM**

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

1. To school staff;
2. To attendees at school-sponsored events held on school property;
3. To the public at community events held on school property in accordance with the Board's facilities use policy;
4. In state-approved instructional Career and Technical Education Culinary Arts Programs;
5. 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 they deem 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:                 DF - Fundraising  
  DF-R- Fundraising Procedures  
  JJIBC - Relations with Booster Groups  
  JL - Student Wellness  
  KF - Community Use of School Facilities

Adopted:                           December 12, 2006

Revised:                           March 10, 2009

  August 28, 2012