

**A. REQUIREMENTS FOR BEVERAGE VENDING SALES**

The board of education permits each school to sell beverages to students in vending machines during the regular and extended school day subject to the following requirements.

1. Soft drinks may not be sold (a) during the breakfast and lunch periods; (b) at elementary schools; or (c) contrary to the requirements of the National School Lunch Program.
2. Beverage Choices to be sold in vending machines must meet the criteria of policy recommendation of 6140R.
3. Bottled water products must be available in every school that has beverage vending.

Diet carbonated soft drinks are not considered in the same category as sugared carbonated soft drinks.

The extended school day includes activities such as extracurricular club meetings, yearbook, band and chorus practice, student government, drama, and childcare/latchkey programs. The extended school day does not include school-related events at which parents and other adults constitute a significant portion of the audience or are selling beverages as part of booster club activities. Examples of such school-related events include interscholastic sporting events, school plays and band/orchestra concerts. Nothing in this policy is intended to prohibit or restrict the sale of beverages, including soft drinks: (a) after the end of the extended school day; (b) on weekends; or (c) during school vacations or holidays.

**B. BIDDING REQUIREMENTS**

Federal procurement procedures must be followed for all beverage vending contracts that include in whole or in part products to be resold by the Child Nutrition Program (CNP). In addition, the superintendent or designee may employ either of the following bidding procedures:

1. Publish requests for separate bids for beverages to be sold through the CNP and bids or requests for proposals (RFPs) for beverages not to be sold through the CNP; or
2. Combine requests for bids for both beverages to be sold through the CNP and beverages not to be sold through the CNP. Proceeds from any combined CNP/non-CNP beverage vending contract must be divided between the CNP and

the individual school account, such that proceeds accruing on school days from 12:01 a.m. until the end of the last established lunch period are deposited into the CNP account. Any proceeds from sales that are not due to the CNP must be appropriately accounted for and used by the individual school for school purposes only.

All beverage vending contracts must be approved by the board of education unless, upon the recommendation of the superintendent, the board specifically delegates such authority to school personnel.

Legal References: National School Lunch Act, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.11; 7 C.F.R. 3016.36; G.S. 115C-263, -264, 264.2, -264.3; 16 N.C.A.C. 6H .0104; State Board of Education Policy TCS-S-000; *Eat Smart: North Carolina's Recommended Standards for All Foods in Schools*, N.C. Department of Health and Human Services, N.C. Division of Public Health (2004)

Cross References: Goals of Student Food Services (policy 6200), Operation of Student Food Services (policy 6220), Nutritional Standards for Food Selection (policy 6230)

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