EFE - 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 impacts 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.

I. Restriction on sale of Competitive Foods

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. Only those items which contribute both to the nutritional needs of children and the development of desirable food habits shall be included, and shall not include foods of minimal nutritional value as defined in applicable federal regulations.

II. 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:

I. To school staff;

II. To attendees at school-sponsored events held on school property;

III. To the public at community events held on school property in accordance with the Board's facilities use policy;

IV. In state-approved instructional Career and Technical Education Culinary Arts Programs;

V. 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).

This applies to sales of foods and beverages at any time on school property by any person, group or organization. When foods and beverages are sold to attendees at community events sponsored by the school or held on school property, students, staff, parents, or school-sponsored organizations involved in such sales are encouraged to include at least some healthy food choices.

C. 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" as defined by Federal regulations. 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.

D. 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.

E. 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. An employee of the School Department who observes conduct believed to be in 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 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 Administrative Procedures
- JJIBC - Relations with Booster Groups
- JL - Student Wellness
- KF - Community Use of School Facilities

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