

# Staff Guide to Food and Beverage Sales On School Campuses

## **SECTIONS**

- 1. Overview**
- 2. Summary of Laws Regarding Food Sales to Students**
- 3. Food and Beverage Requirements for Student Sales**
- 4. High School “Quick Reference Cards”**
- 5. LUHSD Fact Sheet for MS/HS Student Organization Sales**
- 6. LUHSD Wellness Policy**
- 7. Food Safety**

## Section 1: OVERVIEW

All food and beverages **sold or provided** to students by any entity on our school campuses must comply with federal and state laws and our District's Wellness Policy.

In California, any food or beverage sold to students outside of a federally reimbursable meal program is considered to compete with those meals, and is referred to as a competitive food or beverage. Federal and state laws have been established for all food sales on school campuses by student and adult organizations. This includes vending machines and student stores. For the purposes of these laws, it is important to define that **"sold" means the exchange of food for money, coupons, or vouchers.**

The intent of these laws is to ensure that other food sales do not compete with the school meal programs or impair the ability of the food service department to remain financially sound. As well, the Competitive Food Sales Regulations are in place to provide consistency and alignment with the laws governing the nutrition standards for food and beverages in the child nutrition programs with the rest of the foods available to students on school campuses.

In order to ensure successful fundraising, please refer to the attachments provided in this document. If you have questions or need additional assistance, please contact:

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Please remember that the laws and policies presented in this document refer solely to food and beverage guidelines. District policies pertaining to Student Activity Funds and other School-Connected Organizations still apply. Please also note that fundraising and sales outside of a Board approved organization or entity are prohibited.

## Section 2: Summary of Laws Regarding Food Sales to Students

### Laws Regarding Food Sales to Students Competitive Food Sales Laws Effective July 2009

Federal and state regulations have established laws for all food sales on school campuses by student and adult organizations at K-12 LEAs. This includes vending machine and student store sales. The intent is to ensure that such sales do not impair the ability of the food service department to remain financially sound. The foods allowed for sale listed on the following summary pages indicate changes in laws effective July 2009. Sales must also meet local district wellness policies, adopted in June 2006. More information may be found in the following documents

7CFR 210.11, 215, & 220.12 • California Education Code Sections 48931, 489431.2, 48431.5, 49430-49431.7  
California Administrative Code 15500 & 15501 • California Administrative Code 15575-15578  
California Senate Bills SB 12 and SB 677 • District Wellness Policy • California Health and Safety Code

Law	Elementary Schools	Middle & High Schools
<p><b>Sales by Organizations (During the school day)</b></p> <p>CA Administrative Code #15500 7 CFR 210.11, 220.12</p>	<p>Student and adult organizations may sell <u>not more than one food item per day</u>, and only if it meets the following requirements:</p> <ul style="list-style-type: none"> <li>• Sales must be approved by the district's governing board</li> <li>• Must meet the attached <u>Food &amp; Beverage Requirements</u></li> <li>• Must be sold after lunch period *</li> <li>• May not be prepared on school premises or in private homes (must be commercially prepared)</li> <li>• Limited to four sales per year and one food item per sale.</li> <li>• The item must not be sold in the school cafeteria on that day.</li> </ul> <p><i>* Lunch period is defined as "from the time students are released from class until they return to class."</i></p> <p><u>Noncompliant food and beverages may be sold only if:</u></p> <ul style="list-style-type: none"> <li>• The sale takes place off campus</li> <li style="text-align: center;"><b>or</b></li> <li>• The sale takes place at least ½ hour after the school day.</li> </ul>	<p>Student and adult organizations (this includes vending machines and student stores) may sell food any time of day if the following conditions are met:</p> <ul style="list-style-type: none"> <li>• Sales must be approved by the district's governing board</li> <li>• Must meet the attached <u>Food &amp; Beverage Requirements</u></li> <li>• One organization per day (i.e., student store) may sell no more than three types of approved food or beverage.</li> <li>• On no more than four days during the year, multiple organizations may sell approved foods (all on the same four days).</li> <li>• Food may not be prepared on school premises or in private homes (must be commercially prepared).</li> <li>• Food sold during the school day may not be the same as is sold by the school cafeteria on that day.</li> </ul> <p><u>Noncompliant food and beverages may be sold only if:</u></p> <ul style="list-style-type: none"> <li>• The sale takes place off campus</li> <li style="text-align: center;"><b>or</b></li> <li>• The sale takes place at least ½ hour after the school day</li> </ul>

### Section 3: Food and Beverage Requirements for Student Sales

Law	Elementary Schools	Middle & High Schools
<p><b>Food Items</b></p> <p>CA Senate Bill 12 Escutia (Amends Section 49431 of Ed Code) Effective July 2007</p>	<p>Restricts food sold to pupils during the school day to:</p> <ul style="list-style-type: none"> <li>• <b>Full Meals</b></li> </ul> <p style="text-align: center;"><b>or:</b></p> <ul style="list-style-type: none"> <li>• <b>A la carte items</b>, (individual portion sizes) of nuts/seeds, eggs, cheese, fruit, and nonfried vegetables.</li> <li>• <b>Dairy and grain products</b> (e.g., yogurt, ice cream, muffins granola bars) <u>may be sold a la carte, if:</u> <ul style="list-style-type: none"> <li>• Not more than 175 calories per item and a maximum of:                             <ul style="list-style-type: none"> <li>• 35% of calories from fat</li> <li>• 10% of calories from saturated fat.</li> <li>• 35% of weight from sugar* (excepting fruits and vegetables)</li> </ul> </li> </ul> </li> </ul> <p><i>*Sugar means all free mono- and disaccharides, such as glucose, fructose, lactose and sucrose.</i></p>	<p>Restricts all <u>a la carte food sales</u> during the school day (including food service, student sales and vending machines) to the following:</p> <ul style="list-style-type: none"> <li>• <b>Snacks</b> are limited to a maximum of:                             <ul style="list-style-type: none"> <li>• 250 calories per item.</li> <li>• 35% of calories from fat (excepting nuts, nut butters, seeds, eggs, single-serving cheese, fruit, &amp; nonfried vegetables).</li> <li>• 10% of calories from saturated fat (excepting eggs, and single-serving cheese).</li> <li>• 35% of weight from sugar* (excepting fruits and vegetables).</li> </ul> </li> </ul> <p><i>*Sugar means all free mono- and disaccharides, such as glucose, fructose, lactose and sucrose.</i></p> <ul style="list-style-type: none"> <li>• <b>Entrees</b> (except those sold as part of a government lunch or breakfast ) are limited to:                             <ul style="list-style-type: none"> <li>• Maximum of 400 calories.</li> <li>• 4 grams of fat per 100 calories (36% fat).</li> <li>• Must be categorized as an entrée in the National School Lunch or breakfast program.</li> </ul> </li> </ul>

Law	Elementary Schools	Middle Schools	High Schools
<p><b>Beverages</b></p> <p>CA Senate Bill 677 (Effective Jan 2006) CA Childhood Obesity Prevention Act of 2003 CA Senate Bill 965 CA Ed Code 49431 (Effective July 2007)</p>	<p><b>Elementary Schools</b> <b>Effective January 2006</b></p> <p>Restricts beverages sold to students during the school day to water, milk (except whole milk), vegetable juice and fruit juice (minimum 50% juice, no added sweeteners).</p> <p>Noncompliant beverages may be sold only if:</p> <ul style="list-style-type: none"> <li>• sold by students</li> <li>and</li> <li>• sold at least ½ hour after school day or sold off campus.</li> </ul>	<p><b>Middle Schools</b> <b>Effective January 2006</b></p> <p>Restricts beverages to water, milk (except whole milk), vegetable juice and fruit juice (minimum 50% juice, no added sweeteners) and electrolyte replacement beverages (max. 42 grams of sugar per 20 oz).</p> <p>Noncompliant beverages may be sold only if:</p> <ul style="list-style-type: none"> <li>• At a school sponsored event after school</li> <li>or</li> <li>• sold at least ½ hour before or after school.</li> </ul> <p>Restrictions apply to all sales, including vending machines and student stores.</p>	<p><b>High Schools</b> <b>Effective July 2005</b></p> <p>No carbonated beverages, but no other restrictions.</p> <p><b>Effective July 2007</b></p> <p>Same restrictions as Middle Schools (minimum of 50% compliance required).</p> <p><b>Effective July 2009</b></p> <p>100% compliance with the same standards as middle schools.</p> <p>Restrictions apply to all sales, including vending machines and student stores.</p>

## Section 4: High School "Quick Reference Cards"

**QUICK REFERENCE CARDS, PAGE 2**      **EFFECTIVE 7/1/2014**

**START HERE, and then continue clockwise.**

**MIDDLE/HIGH SCHOOL – FOOD RESTRICTIONS**  
*References: Education Code sections 49430, 49431.2, 49431.7, California Code of Regulations sections 15575, 15577, 15578, Code of Federal Regulations sections 210.11, 220.12*

A middle/junior high contains grades 7 or 8, 7 to 9, 7 to 10.  
 A high school contains any of grades 10 to 12.  
**Effective** from midnight to one-half hour after school.  
**Applies** to ALL foods sold to students by any entity.  
**Sold** means the exchange of food for money, coupons, vouchers, or order forms, when any part of the exchange occurs on a school campus.

**Compliant foods:**

1. "Snack" food items must be:
  - a. ≤ 35% calories from fat (except nuts, nut butters, seeds, reduced-fat cheese, dried fruit+nut/seed combo), and
  - b. < 10% calories from saturated fat (except reduced-fat cheese, dried fruit+nut/seed combo), and
  - c. ≤ 35% sugar by weight (except fruit\*, non-fried veggies, dried fruit+nut/seed combo), and
  - d. < 0.5 grams trans fat per serving (no exceptions), and
  - e. ≤ 230 milligrams sodium (no exceptions), and
  - f. ≤ 200 calories per item/container (no exceptions), and
  - g. Have fruit, vegetable, dairy, protein, or whole grain as the first ingredient, or
  - h. Contain ≥ 10% DV for calcium or potassium or Vitamin D or dietary fiber (criteria applicable through 6/30/16), or
  - i. Be a combination food containing at least ¼ cup fruit or vegetable.
2. "Entrée" food items must be:
  - a. Meat/meat alternate and whole grain rich food; or
  - b. Meat/meat alternate and fruit or non-fried vegetable; or
  - c. Meat/meat alternate alone (cannot be yogurt, cheese, nuts, seeds, or meat snacks = these are considered a "snack"),

**AND**

An entrée offered the day of or the day after on the reimbursable meal program menu and sold a la carte must be:

- a. ≤ 400 calories, and
- b. ≤ 4 grams of fat per 100 calories

An entrée sold by any other entity (PTA, student organization, etc.) must be:

- a. ≤ 35% calories from fat, and
- b. < 10% calories from saturated fat, and
- c. ≤ 35% sugar by weight, and
- d. < 0.5 grams trans fat per serving, and
- e. ≤ 480 milligrams sodium, and
- f. ≤ 350 calories, and
- g. Have fruit, vegetable, dairy, protein, or whole grain as the first ingredient, or
- h. Contain ≥ 10% DV for calcium or potassium or Vitamin D or dietary fiber (criteria applicable through 6/30/16), or
- i. Be a combination food containing at least ¼ cup fruit or vegetable

If exempt food(s) combine with nonexempt food(s) or added fat/sugar they must meet ALL nutrient standards above.

\*Dried blueberries cranberries, cherries, tropical fruit, chopped dates or figs that contain added sugar are exempt from fat and sugar standards. Canned fruit in 100% juice only.

**Non-compliant foods may be sold from one-half hour after school through midnight.**  
**CHECK YOUR DISTRICT'S WELLNESS POLICY FOR STRICTER RULES.**  
**Groups or individuals selling foods/beverages to students must keep their own records as proof of compliance.**

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**MIDDLE/HIGH SCHOOL – BEVERAGE RESTRICTIONS**  
*References: Education Code Section 49431.5, California Code of Regulations Section 15576, Code of Federal Regulations sections 210.10, 210.11, 220.8, 220.12*

A middle/junior high contains grades 7 or 8, 7 to 9, 7 to 10.  
 A high school contains any of grades 10 to 12.  
**Effective** from midnight to one-half hour after school.  
**Applies** to ALL beverages sold to students by any entity.  
**Sold** means the exchange of food for money, coupons, vouchers, or order forms, when any part of the exchange occurs on a school campus.

**Compliant beverages:**

1. Fruit or Vegetable juice:
  - a. ≥ 50% juice and
  - b. No added sweeteners
  - c. ≤ 12 fl. oz. serving size
2. Milk:
  - a. Cow's or goat's milk, and
  - b. 1% (unflavored), nonfat (flavored, unflavored), and
  - c. Contains Vitamins A & D, and
  - d. ≥ 25% of the calcium Daily Value per 8 fl. oz, and
  - e. ≤ 28 grams of total sugar per 8 fl. oz.
  - f. ≤ 12 fl. oz. serving size
3. Non-dairy milk:
  - a. Nutritionally equivalent to milk (see 7 CFR 210.10(d)(3), 220.8(i)(3)), and
  - b. ≤ 28 grams of total sugar per 8 fl. oz, and
  - c. ≤ 5 grams fat per 8 fl. oz.
  - d. ≤ 12 fl. oz. serving size
4. Water:
  - a. No added sweeteners
  - b. No serving size limit
5. No-calorie Electrolyte Replacement Beverages (NOT ALLOWED IN MIDDLE SCHOOLS)
  - a. Water as first ingredient
  - b. ≤ 16.8 grams added sweetener/8 fl. oz.
  - c. ≤ 5 calories/8 fl. oz. (or ≤ 10 cal/20 fl. oz.)
  - d. 10-150 mg Na+/8 fl. oz.
  - e. 10-90 mg K+/8 fl. oz.
  - f. No added caffeine
  - g. ≤ 20 fl. oz. serving size
6. Low-calorie Electrolyte Replacement Beverages (NOT ALLOWED IN MIDDLE SCHOOLS)
  - a. Water as first ingredient
  - b. ≤ 16.8 grams added sweetener/8 fl. oz.
  - c. ≤ 40 calories/8 fl. oz.
  - d. 10-150 mg Na+/8 fl. oz.
  - e. 10-90 mg K+/8 fl. oz.
  - f. No added caffeine
  - g. ≤ 12 fl. oz. serving size

**Non-compliant foods may be sold from one-half hour after school through midnight.**

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**MIDDLE/HIGH SCHOOLS – STUDENT ORGANIZATIONS**  
*Reference: California Code of Regulations Section 15501*

**Effective** during or after school hours.  
**Applies ONLY** to food and beverage sales by student organizations.

1. Up to **three categories** of foods or beverages may be sold each day (e.g., chips, sandwiches, juices, etc.).
2. Food or beverage item(s) must be **pre-approved** by governing board of school district.
3. Only **one student organization** may be allowed to sell each day.
4. Food(s) or beverage(s) **cannot be prepared on the campus.**
5. The food or beverage categories sold **cannot** be the same as the categories sold in the **food service program** at that school during the same school day.
6. In addition to one student organization sale each day, any and all student organizations may sell on the **same four designated days** per year. School administration may set these dates.

## Section 5: LUHSD Fact Sheet for MS/HS Student Organization Sales

### Food/Beverage Sales on High School Campuses That are Conducted by Student Organizations

#### FACT SHEET

**No Soda, No caffeinated drinks should be sold on campus during school hrs.**

#### →How often can they sell?

During the school day, only **one** student organization may sell up to three categories food or beverage per day (e.g., chips, sandwiches, juices, etc.) Such foods and beverages cannot be prepared at home and cannot be the same items sold in the food service program that day at that school. On **no more than four** days during the year, any number of student organizations may sell food and beverages.

#### →What can they sell?

All items sold must meet nutritional standards specified in law unless the sale is conducted **30 minutes after** the end of the school day.

➤ **Snacks** sold shall meet all of the following standards:

- No more than 35% of its total calories are from fat
- No more than 10% of its total calories are from saturated fat
- No more than 35% of its total weight is composed of sugar, including naturally occurring and added sugar
- No more than 250 calories per individual food item
- No trans fat (see below)

➤ **Entrée Items** sold shall meet all of the following standards:

- Contain no more than 400 calories per entrée
- Contain no more than 4 grams of fat per 100 calories
- No trans fat (see below)

➤ **Trans Fat** – Snack and entrée items sold cannot contain artificial trans fat. A food contains artificial trans fat if it contains vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, unless the manufacturer's documentation or the label required on the food lists the total trans fat content as less than 0.5 grams of trans fat per serving.

➤ **Exemptions:**

- Nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, not-fried vegetables, legumes are exempt from the fat restriction
- Eggs and cheese packaged for individual sale are exempt from the saturated fat restriction.
- Fruit and non-fried vegetables are exempt from the sugar restriction
- Dried blueberries, cranberries, cherries , and tropical fruit that contain added sugar are exempt from the sugar restriction

-Mixed foods containing ONLY exempt items are exempt from all restrictions. Mixed foods containing at least one non-exempt food or ingredient must meet the nutrition restrictions set for either snacks or entrees.

**Beverages:** All beverages sold to students from one-half hour before the start of the school day until one-half hour after the end of the school day shall be those meeting the nutrition standards listed below:

- Fruit or Vegetable Juice that consist of at least 50% juice with no added sweeteners
- Water with no added sweeteners
- Milk; 2%, 1% or nonfat, contains Vitamins A & D; contains at least 25% of the Daily Value (% DV) for calcium; contains no more that 28 grams of total sugar per 8 fluid ounces
- Non-dairy milk: contains Vitamins A & D; contains at least 25% of the Daily Value (% DV) for calcium; contains no more that 28 grams of total sugar per 8 fluid ounces
- Electrolyte replacement beverage: water is the first ingredient; no more than 2.1 grams added sweetener per 1 fluid ounce; between 10 and 150 milligrams of sodium per 8 fluid ounces; between 10 and 90 milligrams of potassium per 8 fluid ounces; and no added caffeine.

**→If I'm not a nutrition expert, how can I figure out if food items are compliant with the nutrition standards specified by law?**

- 1) Use the on-line school nutrition standards calculator. Go to [www.californiaprojectlean.org](http://www.californiaprojectlean.org) , go to Tools and Resources then click on School Food Standards Calculator. Step by step instructions are given.
- 2) Contact your District's Food Service or Nutrition Services Department.



## **Section 6: LUHSD Wellness Policy**

BP 3550 Food Service & Child Nutrition Program:

[http://libertyunion.schoolwires.net/cms/lib7/CA01001129/Centricity/Domain/39/3550bp\\_Food\\_Services.pdf](http://libertyunion.schoolwires.net/cms/lib7/CA01001129/Centricity/Domain/39/3550bp_Food_Services.pdf)

BP 3551 Food Service Operations & Cafeteria Fund:

[http://libertyunion.schoolwires.net/cms/lib7/CA01001129/Centricity/Domain/39/3551bp\\_Food\\_Services\\_Operations\\_Cafeteria\\_Fund.pdf](http://libertyunion.schoolwires.net/cms/lib7/CA01001129/Centricity/Domain/39/3551bp_Food_Services_Operations_Cafeteria_Fund.pdf)

BP 3553 Free & Reduced Lunch Programs:

[http://libertyunion.schoolwires.net/cms/lib7/CA01001129/Centricity/Domain/39/3553bp\\_%20Free\\_and\\_Reduced\\_Lunch\\_Programs.pdf](http://libertyunion.schoolwires.net/cms/lib7/CA01001129/Centricity/Domain/39/3553bp_%20Free_and_Reduced_Lunch_Programs.pdf)

BP 3554 Other Food Sales:

[http://libertyunion.schoolwires.net/cms/lib7/CA01001129/Centricity/Domain/39/3554bp\\_Other\\_Food\\_Sales.pdf](http://libertyunion.schoolwires.net/cms/lib7/CA01001129/Centricity/Domain/39/3554bp_Other_Food_Sales.pdf)

## Section 7: Food Safety

### **\*NOTICE\***

Temporary food facilities at community events often handle large volumes of food with limited physical facilities and equipment, making food safety especially important. Poor sanitation and hygiene practices can spread germs that cause diarrhea, vomiting, nausea, fever and, in certain circumstances, death.

A permit to operate a temporary food facility is required before the event may open for business. It is the event coordinator's responsibility to also contact any other agencies, such as State Alcohol Beverage Control Board, Fire Department, City or County Planning Department, or Building Department to obtain permits and approval.

Contra Costa Environmental Health inspects permitted facilities to ensure temporary food establishments operate in a safe and sanitary manner. These inspections ensure that temporary food facilities operate in compliance with local, state and federal regulations.

**For more information about selling food please go to:**

<http://cchealth.org/eh/retail-food/temporary-food.php>

**For additional information about food safety and inspections:**

<http://cchealth.org/eh/retail-food/>