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## Other Food Sales

The Governing Board believes that sales of foods and beverages at school during the school day should be aligned with the district's goals to promote student wellness. Any food sales conducted outside the district's food service program shall meet nutritional standards specified in law, Board policy, and administrative regulation and shall not reduce student participation in the district's food service program and do not impair student participation in the district's nutrition services program. Sanitation and safety procedures shall comply with the requirements of the California Uniform Retail Food Facilities law as set forth in Health Code 113700-114455.

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 3551 - Food Service Operations/Cafeteria Fund)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

The Board authorizes the Superintendent or designee to approve the sale of foods and beverages outside the district's food service program, including sales by student or school-connected organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes. Other conditions regarding the number of items sold and preparation of the food must also be satisfied; see the accompanying Administrative Regulation. In addition, Ed Code 48931 and 51520 provide that the Board must approve the sale of food to students during school hours by the PTA and other groups not under direct control of school authorities. The Board authorizes the school food authority to approve the sale of food items by:

1. Student organizations in accordance with 5 CCR 15500 and 15501.
2. Nonprofit groups not under the direct control of school authorities pursuant of Ed Code 51520.
3. All other school-related groups.

A minimum of 50% of the items sold by any organization on school grounds shall be from the foods listed in Ed. Code 38085.

No foods of minimal nutritional value shall be sold in food service areas during breakfast and lunch periods (7 CFR 210.11, 220.12)

*(cf. 1230 - School-Connected Organizations)*  
*(cf. 1321 - Solicitations of Funds from and by Students)*

When vending machines are sponsored by the district or a student or adult organization, the Superintendent or designee shall determine how and where vending machines may be placed at school sites, district offices, or other school facilities.

*(cf. 3312 - Contracts)*

### Legal Reference:

*EDUCATION CODE*  
*35182.5 Contracts, non-nutritious beverages*  
*48931 Authorization and sale of food*  
*49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001*  
*51520 School premises; prohibited solicitations*

Policy Adopted: October 29, 2008



**Chico Unified School District**

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Board Policy:

#3554

Section: 3000

Business and  
Noninstructional  
Operations  
Page 2 of 2

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CODE OF REGULATIONS, TITLE 5

15500 Food sales in elementary schools

15501 Sales in high schools and junior high schools

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Act, including:

1751 Note Local wellness policy

1771-1791 Child nutrition, School Breakfast Program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CSBA PUBLICATIONS

*Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007*

*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

*Associated Student Body Accounting Manual and Desk Reference, 2002*

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

*Fit, Healthy and Ready to Learn, 2000*

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Department of Public Health: <http://www.cdph.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

National Association of State Boards of Education (NASBE): <http://www.nasbe.org>

U.S. Dept. of Agriculture, Food and Nutrition Information Center: <http://www.nal.usda.gov/fnic>