



**LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN**

TITLE: Guidelines for Sales and Service of Non-School Meal Program Food/Beverages on School Campus

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ROUTING
All Schools and
Offices
Parent Groups
Students

PURPOSE: This Bulletin replaces BUL-6292.0 dated May 19, 2014. The updated information contained herein is based on new federal and state regulations pertaining to the selling and/or serving of food and beverages, in competition with school meals, on campus during the school day. The Healthy, Hunger-Free Kids Act of 2010 required the USDA to establish nutrition standards for all foods and beverages sold to students outside the federal reimbursable meal program throughout the school day and on the school campus. Through this authorization, the USDA created national competitive food regulations, known as Smart Snacks in School (SSIS) Rule, which became effective on July 1, 2014.

MAJOR CHANGES: As a result of the United States Department of Agriculture (USDA) SSIS Rule enacted by the Healthy, Hunger Free Kids Act of 2010 to federal law, the following are new LAUSD policy changes to competitive food and beverage rules in compliance with state and federal regulations:

- Competitive Foods **regulations apply to** all foods and beverages “sold to students by any entity” on a school campus during the “school day”.
- **Sold** is defined as “the exchange of food for money, coupons, vouchers, or order forms, when **any part** of the exchange occurs on a school campus”.
- The **school day** is re-defined as “from midnight the night before to 30 minutes after the official school day” (*dismissal bell* versus previously *after the last reimbursable meal*).
- Supper service **MUST** begin during the first 30 minutes following dismissal, and schools must actively support student participation in the Supper Program.
- Food Services Division reserves the right to change the time of Supper Service, which will extend the timeframe when Competitive Foods cannot be served, *if the sale of Competitive Foods interferes with or decreases Supper participation.*



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

Student Organizations

Student Organizations in Elementary, Middle and High Schools have specific regulations for when and how competitive foods can be sold (See California Code of Regulations Sections 15500, 15501, 15575, 15576, 15577, 15578; and Code of Federal Regulations Sections 210.10, 210.11, 220.8 and 220.12).

Elementary School - Student Organizations Reference California Code of Regulations Section 15500. An elementary school contains no grade higher than grade 6. Quick Reference Cards (QRCs) outlining these policies are attached in this Bulletin.

Middle/High Schools - Student Organizations Reference California Code of Regulations Section 15501. A Middle/Junior High contains grades 7 or 8, 7-9, 7-10 and a High School contains any of grades 10-12.

Associated Student Body (ASB) is a student organization and is therefore regulated by the specific regulations governing student organizations found in the above CCRs and CFRs. QRCs outlining these policies are attached in this Bulletin.

Middle and High School Student Organizations must comply with all the following:

1. Food and beverages must be **pre-approved** by governing board of school district (Board of Education) (BOE).
2. Only **one student organization** (ASB) is allowed to sell each day.
3. Up to **three categories** of foods or beverages may be sold each day (e.g. chips, sandwiches, juices, etc.). There is flexibility in the categorization of compliant items and that determination will be set by the Accounting & Disbursements Division in cooperation with the Food Services Division.
4. 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.
5. Foods or beverage(s) **cannot** be **prepared on the campus**.
6. In addition to one student organization (student store) sale each day, any and **all student organizations** may sell on the **same four (4) designated days** per year. School administration may set these dates.

Note: Elementary School Student Organization regulations differ. For a specific list of these policies refer to the QRCs for elementary schools. Although there are no student stores on elementary campuses, there are span schools at which a student store may be open.

According to the definitions, a school with **students from kindergarten through eighth grade**, inclusive, is considered a middle school for all state and federal competitive food rules. The CDE encourages kindergarten through eighth grade



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

schools and other schools with a combination of elementary and middle school grades to apply the stricter elementary school rules to the lower grades and the middle school rules to the upper grades.

GUIDELINES: I. POLICY

Effective July 1, 2014, the USDA Smart Snacks in School Rule mandates that the School Food Authority (SFA) of any national school district ensure that foods and beverages authorized to be sold and/or served at District schools *outside of the National School Breakfast, Lunch, and Supper Programs* meet federal, state, local and school board nutritional standards and policies. This includes **but is not limited to:**

- Student stores
- Vending machines
- Fundraising sales
- Snack bars
- A la carte sales

A listing of approved foods and beverages may be accessed at <http://cafe-la.lausd.net/>.

II. CRITERIA FOR DETERMINING WHAT FOODS THAT CAN BE SOLD ON CAMPUS

All foods must meet the following criteria:

- a. Meet the nutritional standards outlined in the LAUSD Food and Nutrition Policy Motion Implementation Plan, Appendix A.
- b. Comply with all applicable federal, state, and local regulations including the LAUSD District Wellness Policy.
- c. Be listed on the LAUSD Approved List of Snack Foods and Beverages as authorized food and beverages that can be sold and/or served on a school campus.

III. SCHOOL-SPONSORED PUPIL ACTIVITIES

The USDA SSIS Rule only applies to foods and beverages sold to students on the school campus during the *school day* (timeframe mentioned above). The nutrition standards do not apply to foods and beverages sold at events held after the end of the *school day*, off campus, or on weekends such as at school plays or sporting events.

IV. STUDENT ORGANIZATIONS (Required to Follow ORCs) Sections 15500 – 15501 of 5 CCR



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

Student organizations are defined as: a group of students who do not have an academic or curricular affiliation with a school or district. Example: an extracurricular club (e.g. Associated Student Body, Math Club, Spanish Club) is considered a student organization.

All competitive food and beverage sales derived from organizations such as ASB, student clubs/class, Parent-Teacher Associations (PTA), or other approved parent groups that sell and/or serve foods and beverages during the *school day must meet the criteria.*

For classroom parties, the federal and state regulations do not apply if food and beverages are *not being sold (given away) to the student, providing no exchange of money is made (no donations or presold voucher that is exchanged on campus for the item).*

Fundraising activities that take place *off school campus*, such as cookie dough sales, are exempt from the nutrition standards. Distribution of order forms for food or beverages not intended for consumption at school may continue as long as students selling the cookie dough do not sell to/take orders from other students during the school day.

V. NON-STUDENT ORGANIZATIONS OR OTHER GROUPS (Allowed to sell)

Non-Student Organizations are defined as: other groups that may include student involvement but have an academic or curricular affiliation. Example: regional occupational programs, culinary institutes, home economics and/or food classes, and special day classes.

Education Code 51520 allows PTAs and PTOs to fundraise/sell on campus during the school day. However, **District policies on fundraisers/sales must be followed.** The Athletic Department, individual teachers, and classrooms **are not** legally authorized to fundraise at any time. Fundraising should be conducted through the ASB and its established clubs.

PTAs, or other approved PTOs that sell and/or serve foods and beverages during the *school day must follow all* competitive food rules **except** 5 CCR sections 15500-15501 (Numbers 3, 4, & 5 above).



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

Food/Beverage Selling/Serving Scenarios

ELEMENTARY SCHOOLS up to 6 th grade	
ALLOWED scenarios	NOT ALLOWED scenarios
<p>A <u>student group</u> is selling pre-approved popped tortilla chips directly after lunch outside of the cafeteria on a public elementary school campus on the federal meal program.¹</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ The tortilla chips are on the approved snacks list. ▪ The sale is occurring after lunch ▪ Only one (1) item is being sold <i>and</i> it is not the same item sold in the cafeteria that day. <p>Note: Allowable only if the sale occurs on one (1) of the four (4) days allowed per year.</p>	<p>A <u>student group</u> is selling pre-approved popped tortilla chips and bottled water directly after lunch outside of the cafeteria on a public elementary school campus on the federal meal program.¹</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ Elementary student organizations may only sell one (1) food <i>or</i> beverage item per sale.
<p>A <u>student group</u> is selling 2.75 oz. Nutri-Freeze, 100% Natural Juice Bar on September 5th, November 15th, January 20th and March 13th which are the four (4) designated sale dates for the year at the school.¹</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ Only one (1) item being sold ▪ On approved list ▪ Sold on the four (4) designated dates 	<p>A <u>student group</u> is selling 2.75 oz. Nutri-Freeze, 100% Natural Juice Bar on September 5th, October 4th, November 15th, December 10th, January 20th and March 13th along with approved popped tortilla chips and approved bean chili made by the student organization on the campus at the school.¹</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ Only one (1) item allowed per sale date ▪ Sale dates exceed number of designated dates allowed (four (4) per year) ▪ Food <u>may not</u> be prepared on campus

¹ <https://www.dropbox.com/s/iwm7ew7ucnaxqp3/ELEMENTARY.%20Quick%20Reference%20Card%20effective%207.1.14.pdf>



**LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN**

MIDDLE SCHOOLS	
ALLOWED scenarios	NOT ALLOWED scenarios
<p>ASB and six (6) other Student Organizations are planning a sale of three (3) categories of compliant food and beverage items on September 8th, 2015, on a public middle school campus.²</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ ASB is the one (1) student organization allowed a daily sale ▪ Only on the four (4) designated days per year allowed, <i>any and all</i> student organizations may sell. <p>Note: School administration may identify the four (4) designated days. <u>Refer to District Policy</u> for approval of sales by organizations other than ASB.</p>	<p>ASB and six (6) other Student Organizations are planning a sale of three (3) categories of compliant food and beverage items on September 8th, 2015, on a public middle school campus. They are planning to prepare the items on campus.²</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ The food or beverage items <u>may not</u> be prepared on campus. <p>Note: <u>Refer to District Policy</u> for approval of sales by organizations other than ASB.</p>
	<p>An <u>ASB group</u> is selling a 20.0 oz. No-calorie Electrolyte <u>Replacement beverage</u>, and a 12.0 oz. <u>Lo-calorie Electrolyte Replacement beverage along with a compliant fruit juice, after the lunch period on a public middle school campus</u> (on the federal meal program).²</p> <p>Justification:</p> <ul style="list-style-type: none"> • No-Calorie and Lo-Calorie Electrolyte Replacement Beverages may not be sold at middle schools.
<p>The ASB (Student Store) is selling three categories of pre-approved foods and beverages each day (e.g., chips, sandwiches, juices, etc.) none of which are being sold/served in the Café LA that day. The sandwiches were purchased as a pre-prepared item. All items are being sold in the student store at noon each day.²</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ ASB is the one student organization allowed to sell daily. ▪ Foods and beverages are pre-approved and do not exceed the three (3) categories. ▪ Items sold are not sold in the Café LA kitchen that day. 	<p>The ASB (Student Store) is selling three categories of pre-approved foods and beverages each day (e.g., chips, sandwiches, juices, etc.) none of which are being sold/served in the Café LA that day. The sandwiches are being prepared on campus. All items are being sold in the student store at noon each day.²</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ Items are not allowed to be prepared on campus.

² <https://www.dropbox.com/s/2hhh3q7hyb7x0gr/SECONDARY.%20Quick%20Reference%20Cards%20Effective%207.1.14.pdf>



**LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN**

HIGH SCHOOLS	
ALLOWED scenarios	NOT ALLOWED scenarios
<p>An <u>ASB group</u> is selling a 20.0 oz. No-calorie Electrolyte Replacement beverage after the lunch period on a public high school campus (on the federal meal program).</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ No-Calorie Electrolyte Replacement Beverages are allowed at high schools if they meet the ingredient specifications (are on the approved list). ▪ Are not larger than 20.0 oz. 	<p>An <u>ASB group</u> is selling a 20.0 oz. Lo-calorie Electrolyte Replacement beverage after the lunch period on a public middle school campus (on the federal meal program).</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ Lo-Electrolyte Replacement Beverages are allowed but are restricted to 12.0 oz. and must be on the approved list.
<p>The ASB (Student Store) is selling three categories of pre-approved foods and beverages each day (e.g., chips, sandwiches, juices, etc.), none of which are being sold/served in the Café LA that day. The sandwiches were purchased as a pre-prepared item. All items are being sold in the student store at noon each day.</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ ASB is the one student organization that is allowed to sell each day. ▪ Items are pre-approved and not more than three (3) Categories. ▪ The items sold are not being sold in the Café LA that day. 	<p>The ASB (Student Store) is selling three categories of pre-approved foods and beverages each day (e.g., chips, sandwiches, juices, etc.), none of which are being sold/served in the Café LA that day. The sandwiches are being prepared on campus by the student body group. All items are being sold in the student store at noon each day.</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ Although the items being sold are pre-approved, are not competing with items sold in the Café LA and are not more than the three (3) Categories allowed, the items are being prepared on campus which is not allowed.
<p><u>ASB and six (6) other Student Organizations</u> are planning a sale of three (3) categories of compliant food and beverage items on September 8th, 2015, on a public high school campus. They are purchasing all the items as pre-prepared items.</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ In addition to one student organization (ASB) sale each day, any and all student organizations may sell on the same four (4) designated days per year; ▪ All items are pre-approved and are not being prepared on campus. <p>Note: Refer to District Policy for approval of sales by organizations other than ASB.</p>	<p><u>ASB and six (6) other Student Organizations</u> are planning a sale of three (3) categories of compliant food and beverage items on September 8th, 2015, on a public high school campus. They are planning to prepare the items on campus.²</p> <p>Justification</p> <ul style="list-style-type: none"> ▪ In addition to one student organization (ASB) sale each day, any and all student organizations may sell on the same four (4) designated days per year; ▪ The food or beverage items cannot be prepared on campus. ▪ School administration may set the four (4) days. <p>Note: Refer to District Policy for approval of sales by organizations other than ASB.</p>



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

VI. FUNDRAISING

The California Department of Education (CDE) requires that all foods and beverages used for fundraisers be compliant **when held during the school day**. They must follow all applicable state and federal competitive food rules.

VII. RECORDKEEPING AND MONITORING

The school district is responsible for ensuring that each organization, group, individual selling competitive foods and beverages maintains a record that demonstrates compliance with the requirements. At a minimum the record should include receipts, nutrition labels and/or product specification. Additional information may be necessary. 7 CFR, Section 210.11(b)(2)

Monitoring and enforcement of all state and federal competitive food rules will be conducted during the Administrative Review. If infractions found are not corrected in a timely manner, the Nutrition Services Division of the CDE has the authority to withhold School Nutrition Program reimbursement from the District or SFA until corrected.

AUTHORITY:

This is a policy of the District as monitored by the Food Services Division under authorization of the USDA and CDE. As the Local Education Agency, the District is held accountable for all compliance regulations during an Administrative Review for proper maintenance of record keeping documentation. The Food Services Division is the regulatory authority over all foods and beverages served and/or sold on school campuses.

RELATED RESOURCES:

- Healthy Hunger-Free Kids Act
- Smart Snacks in School Rule
- Public Law 111-296 111th Congress
- USDA- Local School Wellness Policy
- California State Assembly Bill 626
- California Education Code 35182.5
- California Education Code 51520
- Los Angeles Municipal Code Section 80.73
- Los Angeles County Ordinance 7.62.071
- LAUSD School Board Rule 2023
- Bulletin No. BUL-577- Vendors at/or Near School Campuses
- Bulletin No. BUL-4885- Emergency Procedures Possible Food Borne Illness, Contamination, and/or Food Recall
- LAUSD Wellness Blueprint Policy
- Publication 464, “Student Body Policies and Accounting Procedures – Elementary Schools



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

- Publication 465, “Student Body Policies and Accounting Procedures – Secondary Schools”

ASSISTANCE:

Refer to the Food Services Division website at <http://cafe-la.lausd.net/> to access the Quick Beverage and Quick Snack Evaluation Checklist to determine whether a food item or beverage meets District, Federal and State requirements.

If you would like assistance on evaluating any product, you may submit product information to the Food Services Division using the procedure on the website.

If you have any questions, please call the Food Services Division at 213-241-2993.