

Business and Non-Instructional Operations

Food Sales Other than National School Lunch Program

Good nutrition is essential to peak academic performance for students and to long-term health. The Board supports nutrition programs and nutrition education as an integral part of a high-quality education. The District's lunch (and breakfast) program will operate to meet dietary specifications in accordance with the Healthy, Hunger-Free Kids Act of 2010 and applicable state laws and regulations.

To ensure that foods served at schools address modern nutritional needs and to protect the health of students, the Director of Food Services will address control over the sale of non-cafeteria/competitive food, in accordance with any applicable district policy. For purposes of this policy, "competitive food" refers to any foods sold or dispensed to children at school other than meals served through the U.S. Department of Agriculture's (USDA) school meal programs.

The District will permit vending machines and the sale of competitive foods in the middle school and high school in accordance with this policy, state regulations and policies, and any other applicable healthy food certification requirements.

The Board may make available in District schools for purchase by students nutritious and low-fat foods which shall include, but shall not be limited to, low-fat dairy products and fresh or dried fruit at all times when food is available for purchase during the regular school day in schools.

The sale of beverages to students from any source, including, but not limited to, school stores, vending machines, school cafeterias and any fund-raising activities on school grounds, whether or not school-sponsored, shall be restricted to milk, non-dairy drinks such as soy or rice milk, 100% fruit juices, vegetable juices or combination of such juices, beverages that contain only water or vegetable juice and water. All allowed beverages must fulfill the requirements specified in Connecticut statute and federal regulations regarding artificial sweeteners, flavoring, caffeine and portion size.

The Director of Food Services is responsible for ensuring that foods from vending machines and other non-cafeteria/competitive foods are sold in compliance with federal and state guidelines and district policy.

The Superintendent of Schools is authorized to close a cafeteria or discontinue the sale of competitive foods if not properly operated.

***Note:** Connecticut regulations prohibit schools from selling or dispensing tea, coffee, soft drinks and candy to students anywhere on school premises from 30 minutes prior to the start of any state or federally subsidized milk or meal program (National School Lunch Program, School Breakfast Program, After-School Snack Program and Special Milk Program) until 30 minutes after the end of the program. The income from the sale of any foods, including vending machines, school stores, student fund-raisers, P.T.A., clubs etc., sold or distributed anywhere on the school premises during the same timeframe must accrue to the food service account. Federal regulations prohibit the sale of foods of minimal nutritional value during meal periods. **The sale of soda is banned by Connecticut statute.**

Business and Non-Instructional Operations

Food Sales Other than National School Lunch Program (continued)

(cf. 3542 – School Lunch Program)

(cf. 3542.31 – Participation in the Nutritional School Lunch Program)

(cf. 3542.34 – Nutrition Program)

(cf. 3542.43 – Charging Policy)

(cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

Legal Reference: National School Lunch Program and School Breakfast Program; Competitive Foods. (7 CFR Parts 210 and 220, Federal Register, Vol.45, No. 20, Tuesday, January 29, 1980, pp. 67586772)
P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751
7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.
Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)
Connecticut General Statutes
10-215e Nutrition standards for food that is not part of lunch and breakfast program
10-215f Certification that food meets nutrition standards
10-221p Boards to make available for purchase nutritious low-fat foods and drinks
10-221q Sale of beverages
PA 06-63 An Act Concerning Healthy Food and Beverages in Schools
Regulation of Connecticut State Agencies – 10-215b-1 Competitive foods
Regulation of Connecticut State Agencies – 10-215b-23 Income from the sale of food items

Policy adopted: July 24, 2023

NEW HAVEN PUBLIC SCHOOLS
New Haven, Connecticut

Business and Non-Instructional Operations

Food Sales Other than National School Lunch Program

Only food or drinks which do meet the minimal nutritional values and requirements for a la carte foods set by the Food and Nutrition Service of the United States Department of Agriculture (Section 17 of Public Law 95-166 amending Section 10 of the Child Nutrition Act of 1966) and Connecticut statutes and regulations may be sold or made available for sale in any school of the district between the beginning of the school day, but is prohibited from 30 minutes before and 30 minutes after the close of the last lunch period at that school. No food or drink distributing machine shall be accessible to students during those hours unless the food or drink being sold meets the minimal nutritional values specified and fulfills the requirement of Connecticut statute and USDA requirements. When any food is available for purchase during the day, nutritious low fat foods and drinks, as defined by state law, must also be available for purchase by students during the regular school day.

Promotional candy sales shall be limited to the period before the beginning of the school day and after the close of the school day. Such sales require approval of the school Principal. (The CSDE strongly encourages districts to promote consistent health messages to students by prohibiting the sale and serving of candy on school premises at all times, or at least during the entire school day.)

Sale of food or drinks anywhere on campus from ½ hour before and after the end of the last lunch period is regarded as being competitive with the National School Lunch Program or the School Breakfast Program. Food or drinks which do meet or exceed the minimal nutritional values of the USDA and which are sold during the period above are, however, not considered as being competitive with those programs. These may be sold during the times cited above, but all profits from such sales must accrue to the food service account.

The Secretary of the United States Department of Agriculture has approved a list of competitive foods which may be sold, and the State of Connecticut has extended that list, but only foods approved by the State of Connecticut and/or the Secretary may be sold in the schools of the District during the hours cited.

The listing of categories of foods of less than minimal nutritional value shall be used as a guide to sales of competitive foods and drinks in the schools, with the understanding that the listing may be modified by the USDA and/or the State of Connecticut. The list follows:

Categories of Foods of Minimal Nutritional Value (FMNV)

Federal regulations define four categories of FMNV, listed below, that cannot be sold during the USDA meal periods. However, Connecticut's healthy food certification statute and sections 10-215b-1 and 10-215-23 of the Regulations of State Agencies superseded the federal requirements by mandating additional requirements for those foods.

Business/Non-Instructional Operations

Food Sales Other than National School Lunch Program

Categories of Foods of Minimal Nutritional Value (continued)

1. **Soda Water** - (not permitted by Connecticut Law)
2. **Water Ices** - As defined by 21 CFR 135.160 FDA regulations except that water ices which contain fruit or fruit juices are not included in this definition.
3. **Chewing Gum** - Flavored products, regular and sugarless, from natural or synthetic gums and other ingredients which form an insoluble mass for chewing.
4. **Certain Candies** - Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
 - A. Hard candy, such as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers and cough drops.
 - B. Jellies and gums, such as gum drops, jelly beans, jellied and fruit-flavored slices, and “Gummi-Bear” type products.
 - C. Marshmallow candies.
 - D. Fondant, such as candy corn, soft mints.
 - E. Licorice a product made mostly from sugar and corn syrup which is flavored with an extract made from the licorice root.
 - F. Spun candy.
 - G. Candy coated popcorn, a product made by coating popcorn with a mixture made predominantly from sugar and corn syrup.

The federal definition of FMNV does not include any other competitive foods or beverages of low nutrient density (e.g., cake, cookies, chips, chocolate and sweetened beverages) except for the categories listed above.

Candy, water ices and gum do NOT meet the Connecticut Nutrition Standards. They cannot be sold to students in schools implementing the healthy food certification unless the Board of Education votes to allow food exemptions and they are sold at the location of events that occur after the school day or on the weekend provided they are not sold from a vending machine or school store.

State statute prohibits the sale of soda (regular and diet), coffee, tea, (regular, herbal, iced), hot chocolate and cocoa, sports drinks, energy drinks, juice drinks or beverages that are not 100% juice, (e.g., lemonade, punch drinks, cranberry cocktail), waters (with added sugars, artificial sweeteners or non-nutritive sweeteners), beverages containing only water and juice with added sugars, artificial sweeteners or non-nutritive sweeteners. These prohibited beverages can be sold to students only if the Board of Education votes to allow exemptions and the beverages are sold at the location of the events that occur after the school day or on the weekend, provided they are not sold from a vending machine or school store.

Business/Non-Instructional Operations

Food Sales Other than National School Lunch Program (continued)

- (cf. 3542 – School Lunch Program)
- (cf. 3542.31 – Participation in the Nutritional School Lunch Program)
- (cf. 3542.34 –Nutrition Program)
- (cf. 3542.43 – Charging Policy)
- (cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

Legal Reference: National School Lunch Program and School Breakfast Program; Competitive Foods. (7 CFR Parts 210 and 220, Federal Register, Vol.45, No. 20, Tuesday, January 29, 1980, pp. 67586772)
P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751
7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.
Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)
Connecticut General Statutes
10-215e Nutrition standards for food that is not part of lunch and breakfast program
10-215f Certification that food meets nutrition standards
10-221p Boards to make available for purchase nutritious low-fat foods and drinks
10-221q Sale of beverages
PA 06-63 An Act Concerning Healthy Food and Beverages in Schools
Regulation of Connecticut State Agencies – 10-215b-1 Competitive foods
Regulation of Connecticut State Agencies – 10-215b-23 Income from the sale of food items