

FOOD SALE STANDARDS

Through its food service program, the Board encourages students to form healthy eating habits by governing the types of food and beverages sold in the schools and the time and place at which each type of food and beverage is sold. These standards are based on the following guidelines.

1. The types of food and beverages sold in the schools are determined by their potential to contribute significantly to the:
 - A. daily nutritional needs of students, consistent with the guidelines established by the U.S. Department of Agriculture (USDA);
 - B. provisions of the District's student wellness program and
 - C. nutritional guidelines established by State law.
2. A licensed dietician, a registered dietetic technician or a certified/credentialed school nutrition specialist must be initially consulted to assist the food services supervisor in drafting for Board adoption a plan:
 - A. for complying with and enforcing the nutritional standards governing the types of food and beverages that may be sold on school premises in compliance with State law and
 - B. specifying the time and place each type of food or beverage may be sold.
3. The time of day and place for the sale of food and beverages to students must be consistent with the nutrient intake needs and eating patterns of students and compatible with class schedules. The following restrictions are enforced for non-breakfast/lunch food and beverage sales:
 - A. Foods or beverages that do not meet the nutritional standards established by the District in accordance with USDA regulations may not be sold during the school day. The Board reserves the right to totally restrict the sale of non-nutritional foods and beverages in vending machines.
 - B. Bake sales and other school fundraising activities involving food and beverage items may not be held during the school day.
4. Annually, the food services supervisor reviews and recommends to the Board the types of foods and beverages to be sold as part of the school breakfast and lunch programs.

Separate standards may be established for the types of food and beverages to be sold to staff members and for events and activities held outside the school day.

Compliance with nutritional standards is reported to the Ohio Department of Education by November 30 annually through the consolidated school mandate report.

If the District reports noncompliance the Superintendent/designee must provide a written explanation to the Board within 30 days explaining this noncompliance and a written plan of action for accurately and efficiently addressing the problem.

[Adoption date:]

LEGAL REFS.: ORC **3301.68**
3313.814; 3313.816; 3313.817
OAC 3301-91-09

CROSS REFS.: EF, Food Services Management
EFG, Student Wellness Program
IGDF, Student Fundraising Activities

NOTE: In light of the national concerns with poor health and childhood obesity, districts should be particularly vigilant of the types of foods sold in the schools. School wellness plans and programs must include nutrition guidelines equal to the guidelines issued by the U.S. Department of Agriculture (USDA).

Senate Bill (SB) 210, passed in 2010, requires boards of education to adopt standards specifying the nutritional standards governing the types of food and beverages that may be sold on school premises and the time and place each type of food or beverage may be sold. Boards are encouraged to delegate this duty to food services supervisors and/or other administrators. Specifications should be detailed in food services plans of operation or administrative guidelines and made available to the board for adoption.

The USDA interim final rule establishing standards for all food and beverages sold on school campus throughout the school day to students, took effect July 1, 2014. Where the provisions of SB 210 and the USDA rules differ, districts are required to comply with the more restrictive requirements. The Ohio Department of Education (ODE) has provided information on their website for district implementation of these requirements. The ODE information also outlines foods that are exempt from the specific nutrition requirements (including fresh fruits) and provides necessary definitions and standards. Districts should review the new guidelines when establishing guidelines for the sale of food and beverage items to students during the school day on school premises.

Fundraisers: ODE may set a number of exempt fundraisers that happen during the school day and must be infrequent in nature. ODE has not yet determined if any exempt fundraisers will be allowed during the regular school day. Food and beverages sold outside of the defined regular school day and/or any food and beverages given to students at no cost are exempt from the nutrition standards.

SB 216 (2018) enacted Ohio Revised Code (RC) 3301.68 requiring the ODE to establish, distribute and monitor a consolidated school mandate report for school districts. Except where specifically required by law, ODE cannot require a separate report for the items included in the report. Each district must complete and file the report by November 30 annually.

The report must require each district or school to denote “yes” to indicate compliance or “no” to indicate noncompliance with the following prescribed items and to provide any other information that the department requests regarding those items:

- ***Training on the use of physical restraint or seclusion on students;***
- ***Training on harassment, intimidation, or bullying;***
- ***Training on the use of cardiopulmonary resuscitation and an automated external defibrillator;***
- ***Training on crisis prevention intervention;***
- ***The establishment of a wellness committee;***
- ***The reporting of a district’s or school’s compliance with nutritional standards;***
- ***Screening for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders of students enrolled for the first time in kindergarten or first grade and***
- ***Compliance with interdistrict and intradistrict open enrollment requirements.***

If a district or school denotes “no” on any item it must provide a written explanation to the board within 30 days for why that item was not completed and a written plan of action for accurately and efficiently addressing the problem.

THIS IS A REQUIRED POLICY