

## **COMPETITIVE FOOD SALES—SALES OF FOODS IN COMPETITION WITH THE SCHOOL FOOD SERVICE PROGRAM**

The School Committee of the Milford School Department supports good nutrition as part of a school environment that contributes to student health and encourages positive food choices and eating habits. The Committee believes that nutrition influences a student's ability to take full advantage of the school system's educational program and therefore is related to student achievement. The Committee also recognizes that proceeds from the sale of foods and beverages outside of the Total Food Service Program ("competitive foods") can be a significant source of funds for student activities that the Milford School Department might not otherwise be able to provide. The Committee has adopted this policy to govern the sale of foods and beverages on school property.

### **I. RESTRICTION ON SALE OF COMPETITIVE FOODS**

Maine Department of Education Rule Chapter 51 mandates that any food or beverage sold at any time on school property of a school participating in the National School Lunch or School Breakfast Programs shall be a planned part of the total food service program of the school and shall include only those items which contribute both to the nutritional needs of children and the development of desirable food habits, and shall not include foods of minimal nutritional value as defined in applicable federal regulations, except as provided for by school committee policy in certain circumstances.

As allowed by Rule Chapter 51, the Committee permits the sale of food and beverages outside the total food program:

- A. To school staff;
- B. To attendees at school-sponsored community events held on school property (i.e., school-sponsored events that are open to the public);
- C. To the public at community events held on school property in accordance with the Committee's facilities use policy;
- D. In State-approved instructional Career and Technical Education (CTE) Programs; and/or;
- E. By a school approved student organization or program if consistent with the requirement that such sales not include foods of minimal nutritional value as defined in 7 C.F.R. § 210.11(a)(2).

This policy applies to sales of foods and beverages at any time on school property by any person, group or organization.

When foods and beverages are sold to attendees at community events sponsored by the school or held on school property, students, staff, parents, or school-sponsored organizations involved in such sales are encouraged to include at least some healthy food

choices.

## II. FUNDS FROM SALES OF COMPETITIVE FOODS

Funds from all food and beverage sales made at any time on school property shall accrue to the benefit of the school's non-profit school food service program, except that funds raised through authorized sales outside the total food service program shall accrue to the sponsoring school or approved student organization in accordance with applicable policies, cash-management procedures and administrative directives, or to the sponsor of a community event that is held on school property in accordance with the Committee's facilities use policy.

DOE staff also confirmed that foods of minimal nutritional value may be sold by approved student organizations when an event held on school property is open to the public. However, students may not sell foods of minimal nutritional value if an event is not open to the public. Boosters may also sell foods of minimal nutritional value if the event is open to the public, e.g., basketball games.

Community events that are sponsored by non-school groups ("outside organizations" such as Kiwanis, Boy Scouts, Girl Scouts, Little League, other community organizations) are events over which the school unit has no authority or responsibility other than through the Committee's facilities use policy and procedures that implement the facilities use policy. Funds raised by these groups will accrue to the organization, provided that the Committee has adopted appropriate policy language. This will also apply to certain booster groups and booster activities that do fundraising activities in accordance with the facilities use policy.

## III. DELEGATION OF RESPONSIBILITY

The Superintendent/designee shall be responsible for enforcement of this policy. A school unit employee who observes conduct he/she believes to be a violation of this policy or is informed of such conduct by a parent, student or community member should contact the building administrator or Superintendent/designee.

Legal Reference: Ch. 51 (Dept. of Ed. Rule) (Child Nutrition Programs in Public Schools and Institutions)

Cross References: DFF - Income From School Sales and Services  
 JJE - Student Fundraising Activities  
 JJF - Student Activities Funds Management  
 KF - Community Use of School Facilities  
 KJA - Relations With Booster Organizations

Adopted: 1/19/12