

CODE: EFE

COMPETITIVE FOOD SALES—SALES OF FOODS IN COMPETITION WITH THE SCHOOL NUTRITION PROGRAM

The Kittery School Committee supports good nutrition as part of a school environment that contributes to student health and encourages positive food choices and eating habits. The School Committee believes that nutrition influences a student’s ability to take full advantage of the school system’s educational program and is, therefore, related to student achievement.

The School Committee also recognizes that proceeds from the sale of foods and beverages outside of the School Nutrition Program (“competitive foods”) are a significant source of funds for student activities that the Kittery School Department might not otherwise be able to provide.

The School 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 School Nutrition 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 School Committee permits the sale of food and beverages outside the total School Nutrition 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) after school hours;
- C. To the public at community events held on school property in accordance with the School Committee’s facilities use policy;

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) and are not sold during the school day.

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. Groups are also encouraged to purchase food through the School Nutrition Program whenever possible.

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 nutrition program, except that funds raised through authorized sales outside the School Nutrition Program shall accrue to the sponsoring school or approved student organization in accordance with applicable policies and procedures. Sales outside the School Nutrition Program will be authorized by the Superintendent in conjunction with the School Nutrition Director.

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
KF - Community Use of School Facilities
KJA - Relations with Booster Organizations

Adopted: April 4, 1995
Revised: November 1, 2011