

## SCHOOL MEAL AND COMPETITIVE FOOD STANDARDS

Policy Code: **6230**

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1 All employees or other individuals who select foods or beverages to be sold to students on a  
2 school campus during the school day shall select and procure such foods and beverages in a  
3 manner consistent with the goals established by the Transylvania County Board of Education  
4 (the “board”) in policy 6200, Goals of School Nutrition Services, and policy 6140, Student  
5 Wellness, and with all state and federal laws and regulations. Additionally, in furtherance of the  
6 board’s goals, the board establishes the following standards for school meals and other foods  
7 sold or available on school campuses.  
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### 9 **A. SCHOOL MEAL REQUIREMENTS**

10  
11 Meals and snacks provided through the National School Lunch, School Breakfast, and  
12 After School Snack Programs must comply with all federal nutrition standards applicable  
13 to the respective program, including meal component requirements and dietary standards.  
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### 15 **B. FOODS OTHER THAN SCHOOL MEALS**

#### 16 17 1. Definitions

##### 18 19 a. School day

20  
21 As used in this policy, “school day” means the period from midnight  
22 through **30 minutes after the dismissal bell rings**.  
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##### 24 25 b. Competitive foods

26 Competitive foods are all foods and beverages, other than meals  
27 reimbursed through the federally-funded school nutrition programs,  
28 available for sale to students on campus during the school day.  
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#### 30 2. Foods Sold From Midnight Until the End of the Last Lunch Period

31  
32 The sale of food and beverages between midnight and the end of the last lunch  
33 period is the responsibility of the Child Nutrition Program (CNP), and the CNP  
34 will retain the proceeds. No foods or beverages may be sold to students on any  
35 school campus during that time period except through the Child Nutrition  
36 Program. The school principal and CNP personnel shall ensure that all  
37 competitive foods, including vended *a la carte* and all other *a la carte* or  
38 supplemental food and beverages, sold during that time period meet the federal  
39 Smart Snacks nutrition standards.  
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#### 41 3. Foods Sold Between the Last Lunch Period and the End of the School Day

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43 Each year, through its School Nutrition Program Annual Agreement, the board  
44 will establish accountability for the sale of competitive foods during the period  
45 between the end of the last lunch period and the end of the school day. All foods  
46 sold during that period must comply with the federal Smart Snacks nutrition  
47 standards. This includes foods sold in vending machines (see subsection B.4,  
48 below), in school stores, and in other sales venues on the school campus.

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50 4. Foods Sold After the School Day  
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52 Foods sold after the school day are not subject to the federal Smart Snacks  
53 standards but are subject to any school rules established pursuant to policy 6140,  
54 Student Wellness.

55  
56 5. Vending Sales During the School Day  
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58 In elementary schools, no beverage or snack vending to students is permitted  
59 outside of the School Nutrition Program.

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61 In middle and high schools, all vended snack foods and beverages sold during the  
62 school day must meet the federal Smart Snacks standards and any more restrictive  
63 state requirements.

64  
65 Bottled water must be available in every school that has beverage vending.

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67 6. Fund-Raising Activities Involving Food or Beverages  
68  
69 All fund-raising activities that involve the sale of food or beverages to students  
70 during the school day must comply with the federal Smart Snacks standards.  
71 However, no such fund-raising activities are permitted from midnight until the  
72 end of the last lunch period. Tokens of exchange for foods or beverages to be  
73 delivered later in the day also are prohibited during this time period.

74  
75 Fund-raising activities that are conducted after the school day are not required to  
76 comply with the federal Smart Snacks nutrition standards, but are subject to  
77 policy 6140, Student Wellness, and any school rules established pursuant to that  
78 policy.

79  
80 7. Foods Brought from Home for School Events  
81  
82 Each school principal shall establish standards for food and beverages brought  
83 from home consistent with policy 6140, Student Wellness, and all applicable  
84 National School Lunch Program regulations and guidelines, including, but not  
85 limited to, the Smart Snacks nutrition standards.

86  
87 In order to identify food allergens and to better ensure food safety, only  
88 commercially prepared food items with a list of ingredients may be used for  
89 classroom celebrations or other special activities during the school day.

90  
91 8. Responsibility for Compliance with the Limits on the Sale of Competitive Foods

92  
93 The limitations on the sale of competitive foods during the school day established  
94 by law and this policy are intended to encourage students to develop healthy  
95 eating habits and to ensure the ability of the schools to provide nutritious meals at  
96 the lowest possible cost.

97  
98 All employees, student groups, volunteers, school support organizations, and  
99 other parties within the school environment must comply with the restrictions and  
100 conditions on the sale of competitive foods to students during the school day  
101 imposed by federal and state law, this policy, and the terms of the board's School  
102 Nutrition Program Annual Agreement.

103  
104 The superintendent shall hold each principal responsible for consistent  
105 enforcement of this policy.

106  
107 9. Consequences for Non-Compliance with the Limits on the Sale of Competitive  
108 Foods

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110 Employees will be subject to disciplinary sanctions for violating the requirements  
111 pertaining to the sale of competitive foods as described in this or other relevant  
112 board policy, the board's School Nutrition Program Annual Agreement, or federal  
113 or state law or regulation. Discipline may include suspension or dismissal for  
114 repeated willful violations. The superintendent may take all reasonable steps  
115 necessary to prevent violation of the competitive foods rules by any student or  
116 student group, volunteer, school support organization, or other party.

117  
118 If a school is found by the North Carolina Department of Public Instruction to be  
119 in violation of the rules pertaining to the sale of competitive foods as established  
120 in federal or state law or **regulation** ~~State Board of Education Policy NCAC 016~~  
121 and the violations results in a monetary sanction against the Child Nutrition  
122 Program, the superintendent may require the school's principal to reimburse the  
123 Child Nutrition Program from the operating account of the school.

124  
125 Nothing in this policy is intended to regulate or limit foods that students bring from home as part  
126 of a bag lunch.

127  
128 Legal References: Child Nutrition Act of 1966, 42 U.S.C. 1771 *et seq.*; Healthy, Hunger-Free

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129 Kids Act of 2010, P.L. 111-296, 7 C.F.R. Part 210; National School Lunch Act, 42 U.S.C. 1751,  
130 *et seq.*; G.S. 115C-47(7), -47(22), -263, -264, -264.2, -264.3; **16 N.C.A.C. 6H .0104**; State Board  
131 of Education Policies CHNU-002, ~~NCAC-016~~; *Eat Smart: North Carolina's Recommended*  
132 *Standards for All Foods Available in School*, NC Department of Health and Human Services, NC  
133 Division of Public Health (2004)

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135 Cross References: Student Wellness (policy 6140), Goals of School Nutrition Services (policy  
136 6200)

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138 Adopted: October 17, 2016

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140 Revised: February 19, 2018 (legal references only); December 16, 2019; **[DATE]**

REVISED