

Laws Regarding Food Sales to Students

Competitive Food Sales Laws

Effective July 2009

Federal and state regulations have established laws for all food sales on school campuses by student and adult organizations at K-12 LEAs. This includes vending machine and student store sales. The intent is to ensure that such sales do not impair the ability of the food service department to remain financially sound. The foods allowed for sale listed on the following summary pages indicate changes in laws effective July 2009. Sales must also meet local district wellness policies, adopted in June 2006. More information may be found in the following documents:

7CFR 210.11, 215, & 220.12 • California Education Code Sections 48931, 489431.2, 48431.5, 49430-49431.7
 California Administrative Code 15500 & 15501 • California Administrative Code 15575-15578
 California Senate Bills SB 12 and SB 677 • District Wellness Policy • California Health and Safety Code

Law	Elementary Schools	Middle & High Schools
Sales by Organizations (During the school day) CA Administrative Code #15500 7 CFR 210.11, 220.12	<p>Student and adult organizations may sell <u>not more than one food item per day</u>, and only if it meets the following requirements:</p> <ul style="list-style-type: none"> Sales must be approved by the district's governing board Must meet the attached <u>Food & Beverage Requirements</u> Must be sold after lunch period * May not be prepared on school premises or in private homes (must be commercially prepared) Limited to four sales per year and one food item per sale. The item must not be sold in the school cafeteria on that day. <p><i>* Lunch period is defined as "from the time students are released from class until they return to class."</i></p> <p><u>Noncompliant food and beverages may be sold only if:</u></p> <ul style="list-style-type: none"> The sale takes place off campus or The sale takes place at least ½ hour after the school day. 	<p>Student and adult organizations (this includes vending machines and student stores) may sell food any time of day if the following conditions are met:</p> <ul style="list-style-type: none"> Sales must be approved by the district's governing board Must meet the attached <u>Food & Beverage Requirements</u> One organization per day (i.e., student store) may sell no more than three types of approved food or beverage. On no more than four days during the year, multiple organizations may sell approved foods (all on the same four days). Food may not be prepared on school premises or in private homes (must be commercially prepared). Food sold during the school day may not be the same as is sold by the school cafeteria on that day. <p><u>Noncompliant food and beverages may be sold only if:</u></p> <ul style="list-style-type: none"> The sale takes place off campus or The sale takes place at least ½ hour after the school day or The sale takes place at a school-sponsored event after the school day.

Food and Beverage Requirements for Student Sales Effective July 2009

Law	Elementary Schools	Middle & High Schools
Food Items CA Senate Bill 12 Escutia (Amends Section 49431 of Ed Code) Effective July 2007	Restricts food sold to pupils during the school day to: <ul style="list-style-type: none"> • <u>Full Meals</u> <p style="text-align: center;">or:</p> <ul style="list-style-type: none"> • <u>A la carte items</u>, (individual portion sizes) of nuts/seeds, eggs, cheese, fruit, and nonfried vegetables. • <u>Dairy and grain products</u> (e.g., yogurt, ice cream, muffins granola bars) <u>may be sold a la carte, if:</u> <ul style="list-style-type: none"> • Not more than 175 calories per item and a maximum of: <ul style="list-style-type: none"> • 35% of calories from fat • 10% of calories from saturated fat. • 35% of weight from sugar* (excepting fruits and vegetables) <p><i>*Sugar means all free mono- and disaccharides, such as glucose, fructose, lactose and sucrose.</i></p>	Restricts all <u>a la carte food sales</u> during the school day (including food service, student sales and vending machines) to the following: <ul style="list-style-type: none"> • <u>Snacks are limited to a maximum of:</u> <ul style="list-style-type: none"> • 250 calories per item. • 35% of calories from fat (excepting nuts, nut butters, seeds, eggs, single-serving cheese, fruit, & nonfried vegetables). • 10% of calories from saturated fat (excepting eggs, and single-serving cheese). • 35% of weight from sugar* (excepting fruits and vegetables). <p><i>*Sugar means all free mono- and disaccharides, such as glucose, fructose, lactose and sucrose.</i></p> <ul style="list-style-type: none"> • <u>Entrees (except those sold as part of a government lunch or breakfast) are limited to:</u> <ul style="list-style-type: none"> • Maximum of 400 calories. • 4 grams of fat per 100 calories (36% fat). • Must be categorized as an entrée in the National School Lunch or breakfast program.

Law	Elementary Schools	Middle & High Schools	
Beverages CA Senate Bill 677 (Effective Jan 2006) CA Childhood Obesity Prevention Act of 2003 CA Senate Bill 965 CA Ed Code 49431 (Effective July 2007)	Elementary Schools Effective January 2006 Restricts beverages sold to students during the school day to water, milk (except whole milk), vegetable juice and fruit juice (minimum 50% juice, no added sweeteners). Noncompliant beverages may be sold only if: <ul style="list-style-type: none">• sold by studentsand• sold at least ½ hour after school day or sold off campus.	Middle Schools Effective January 2006 Restricts beverages to water, milk (except whole milk), vegetable juice and fruit juice (minimum 50% juice, no added sweeteners) and electrolyte replacement beverages (max. 42 grams of sugar per 20 oz). Noncompliant beverages may be sold only if: <ul style="list-style-type: none">• At a school sponsored event after schoolor• sold at least ½ hour before or after school. Restrictions apply to all sales, including vending machines and student stores.	High Schools Effective July 2005 No carbonated beverages, but no other restrictions. Effective July 2007 Same restrictions as Middle Schools (minimum of 50% compliance required). Effective July 2009 100% compliance with the same standards as middle schools. Restrictions apply to all sales, including vending machines and student stores.

Board Policy Students

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Wellness

The Governing Board of Hayward Unified School District (HUSD) recognizes the link between student health and learning. Children and youth that begin each day as healthy individuals are more receptive to the learning experience and more likely to succeed now and in the future. Further, the Board also believes that a healthy staff can more effectively perform their job responsibilities, and model appropriate wellness behaviors to students. This policy encourages a comprehensive approach to school and community wellness and addresses the components of the Coordinated School Health program as recommended by the California Department of Education and the Department of Health Services. HUSD is committed to providing a school environment that promotes and protects children's health, well-being, and ability to learn by supporting healthy eating and physical activity.

Therefore, it is the policy of HUSD that HUSD schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

This will be realized by:

Food Served on Campus

1. Food and beverage availability during the school day will include a variety of healthy choices that are of excellent quality, appealing to students and handled in a safe manner. Foods served as part of the child nutrition program shall meet or exceed federal and state guidelines for reimbursable meals. Nutrient-dense foods including whole grains, low-fat dairy products and fiber-rich fruits and vegetables will be promoted as important components of a healthy diet.
2. The school district shall ensure that no student goes hungry and all students will have access to nutritious lunches during the school day. Students will be encouraged to start each day with a healthy breakfast. An afternoon snack will be provided to students participating in after-school educational activities.
3. Meals will be served in an attractive manner in a pleasant atmosphere with sufficient time for eating. Organic foods will be offered when they are available, affordable and of appropriate quality. To the degree

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possible, foods offered will be freshly grown by local farmers and reflect the district's diverse population. The district will continue to research the latest information to ensure that no harmful foods are served.

4. It is a goal to integrate the eating experiences, gardens and nutrition education into the core curriculum at all grade levels. Foods served on campus shall reflect nutrition education principles taught in the classroom.
5. Foods offered for fundraisers, special events, incentives and food sales shall be consistent with the nutritional goals of this policy, district competitive food guidelines and will be served in such a manner as to be in compliance with the California Uniform Retail Food Facility Law (CURFFL). For parties and celebrations, parents and staff will be encouraged to provide a variety of foods including at least fifty percent of the foods offered to be healthy foods consistent with this food policy.

Comprehensive Health Education

The Board believes that health education is essential to student performance and academic success. Health education fosters the knowledge, skills and behaviors that students need in order to lead healthy productive lives. The district shall provide a planned, sequential health education curriculum in accordance with the California Education Code, Board policy and the Health standards as they are available.

Integrated Nutrition Education

Integrated Nutrition education in HUSD aims to teach, encourage and support healthy eating by students. Schools should provide nutrition education that is integrated into the academic standards. Research shows that integrating 50 hours of nutrition education each year will result in behavioral change. Teachers will work toward incorporating nutrition education into their instruction toward meeting this goal. At the secondary school level it is recommended that subject appropriate teachers incorporate nutrition education into their instruction.

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6. Foods that do not comply with the above regulations may be sold as part of a school fundraising event as long as they are sold by pupils of the school, and
 - a. the sale takes place at least one-half hour before or after the end of the school day, or;
 - b. the items are sold at a place off of, and away from, school premises.

Middle or Junior High School

1. Full meals as part of the National School breakfast, lunch and snack programs.
2. Individually sold portions of nuts, nut butters, seeds, eggs, cheese, packaged for individual sale; fruits and vegetables that have not been deep fried, and legumes.
3. Individually sold dairy or whole grain food items may be sold to pupils at elementary school, except for foods sold as part of a USDA meal program, if each contains less than 35% of its total calories from fat, less than 10% of its total calories from saturated fat, and less than 35% of its total weight from sugar, including sugars that are naturally occurring and added.
4. Foods categorized as an entrée in the school breakfast or lunch program, but not served that day as part of these programs, may be served as an individual food item providing it contains no more than 400 calories or 4 grams of fat per 100 calories.
5. Fruit- or vegetable-based drinks that are composed of not less than 50% juice and have no added sweeteners, low- or non-fat milk or milk substitute (2% or less fat) and drinking water without added sweeteners may be sold.
6. Not more than 250 calories per individual food item.
7. Foods that do not comply with the above regulations may be sold as long as:
 - a. the sale takes place at least one-half hour before and after the end of the school day, or
 - b. the items are sold at a place off of, and away from, school premises, or
 - c. the sale occurs during a school-sponsored pupil activity after the end of the school day.

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High School Transition

1. Schools including students from grades 9-12 shall phase out the sale of all foods of minimal nutritional value [soda water, candy, gum and energy drinks] by June 30, 2009. After this date these schools shall adhere to the food sales requirements in place at the Middle or Junior High School level.
2. The phase out shall include:
 - a. Establishing a committee made up of members of the Wellness Policy Compliance Team, High School Principals, parent groups and student leaders to study new methods of fundraising and to develop a plan to phase out the sale of foods of minimal nutritional value for SY2008 and SY2009. A report from this committee will be made to the Board of Education on, or before, June 27, 2007.
 - b. By the end of SY2008 no more than one-half of the quantity of foods of minimal nutritional value shall be sold on high school campuses as compared to SY2006 sales.
 - c. Child Nutrition Services will work cooperatively with the Associated Student Body and individual student groups to partner the sale of nutritious food items that are financially beneficial to both.

FUNDRAISING

Fundraising activities are very important for the support of student activities. Schools shall seek fundraising solutions that meet the goals of this Wellness Policy. The following is a suggested list of non-food fundraising activities:

Items for sale:

- Temporary/henna tattoos
- Flowers or plants
- T-shirts/sweat shirts
- Activity theme bags
- Balloon bouquets
- Books, calendars
- Bumper stickers, buttons, pins and decals
- Coffee mugs or water cups with logo
- Gift baskets, gift certificates or gift items
- Holiday cards, wreaths, trees
- License plate holders

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Integrated nutrition education will

1. Be offered at each grade level in all academic areas as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health.
2. Be implemented consistent with District educational goals using a diversity of strategies and practices to teach all students.
3. Link with the school meals program, other foods brought onto the campuses, and nutrition-related community services.
4. Teach media-related literacy with an emphasis on food marketing.

Physical Education and Physical Activity

Current research tells us that students need at least 60 minutes of moderate to vigorous physical activity daily to be physically fit and academically successful. HUSD will create a learning environment that maximizes these opportunities. HUSD will provide all students in Kindergarten through Grade Twelve (K-12) the opportunity, support, and encouragement to be physically active on a regular basis through physical education instruction and/or physical activity programs.

Physical education is a planned sequential program of curricula and instruction that helps students develop the knowledge, skills, and confidence necessary for an active lifestyle. Physical activity refers to participation in physical activity. Physical activity programs may provide participants with structured activity (games, sports, etc.), unstructured activity (walking programs, dance, etc.), or opportunities to participate in physical activity in the daily routine. (walk-to-school programs, etc.)

Besides promoting high levels of personal achievement and a positive self-image, Physical Education activities should teach students how to cooperate in the achievement of common goals.

Student Wellness Services

Student Wellness Services include Health Counseling, Psychological and Social Services. The Board supports effective wellness programs that will facilitate positive learning and instill healthy behaviors.

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Pocket calendars
School Frisbees, spirit gear, art works
Stuffed animals

Items supporting academics:

Awards banquet
Read-a-thons Bike-a-thons or Walk-a-thons
Singing telegrams
Car wash
Bowling nights
Carnivals
Raffles (Donated movie tickets, meals etc)
Auction with service prizes donated by a student helper (mow lawns, rake leaves, walk dog etc.)
Recycling cans/bottles/paper

ASSESSMENT AND MONITORING OF WELLNESS POLICY

The effectiveness of the Wellness Policy shall be assessed by:

1. The superintendent or designees to ensure compliance with established district-wide nutrition and physical activity wellness policies. In each school, the principal or designees will ensure compliance with those policies in his/her school and will report on the school's compliance to the school district superintendent or designee.
2. The child nutrition director at district level to ensure compliance with nutrition policies within school food service areas; he/she will report on this matter to the superintendent. In addition, the child nutrition director will report on the most recent State Department of Education School Meals Initiative (SMI) review findings and any resulting changes. If the district has not received a SMI review from the state agency within the past five years, the district will request from the state agency that a SMI review be scheduled as soon as possible.
3. The superintendent or designee will develop a summary report every three years on district-wide compliance with the district's established nutrition and physical activity wellness policies, based on input from schools within the district. That report will be provided to the school

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Staff Wellness

Staff will be encouraged to participate in health education and health-related fitness activities. This will contribute to improved health status, improved morale, and a greater commitment to the school's overall comprehensive health program.

Healthful School Environment

The board supports school facilities that are designed to provide a safe, secure physical plant as well as a healthy and supportive environment that fosters learning and overall well-being.

Family and Community Involvement

The Board believes that family and community involvement and collaboration are key elements in supporting the healthy development of youth and their families. Long-term partnerships with diverse community groups shall be developed. The Board recommends partnerships that will promote health education activities for parents and community members.

District Wellness Advisory Council

The Superintendent or his designee shall convene an advisory committee consisting of school-site administrators, health professionals, teachers, child nutrition staff, parents and students to meet three times a year to evaluate policy implementation. Annually the committee will report to the Board of Education about implementation of the policy. A member of child nutrition services, nutrition education department, and physical education shall form the district wide compliance oversight team.

Assessment and Monitoring of the Wellness Policy

Representatives of the school district shall develop a plan for implementing the district wellness policy and measuring implementation of that policy. The district superintendent or designee shall designate at least one person from the administration, one from nutrition education, and one from Child Nutrition services within Hayward Unified School District that is charged with operational responsibility for ensuring that the school sites implement the

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board and also distributed to all school health councils, parent/teacher organizations, school principals, and school health services personnel in the district.

Policy Review

1. To help with the initial implementation of the district's wellness policies, each school in the district will conduct a baseline assessment of the school's existing nutrition and physical activity environments and policies. The results of those school by school assessments will be compiled at the district level to identify and prioritize needs.
2. A timeline and action plan will be written with identifiable outcomes.
3. Assessments will be repeated every three years to help review policy compliance, assess progress, determine whether outcomes have been met, and additional areas in need of improvement. As part of that review, the school district will determine modifications needed to meet the goals of the policy.

To that end the Wellness Committee or designees will review and provide modification recommendations for:

- a. Nutrition and physical activity policies;
- b. Nutrition and physical education policies and program elements;
- c. Provisions for an environment that supports healthy eating and physical activity;
- d. Any additionally defined elements.

The district, and individual schools within the district, will as necessary, revise the wellness policies and develop work plans to facilitate their implementation.

Regulation
Adopted:

HAYWARD UNIFIED SCHOOL DISTRICT
Hayward, CA

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adopted local wellness policy. Each school shall post HUSD policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas.

Legal Reference:

Child Nutrition and WIC Reauthorization Act of 2004, Section 204: Local School Wellness Policy

Legal References

EDUCATION CODE

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49493 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act

49540-49546 Child care food program

49547-49548 Comprehensive nutrition services

49550-49560 Meals for needy students

49570 National School Lunch Act

CODE OF FEDERAL REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations

15510 Mandatory meals for needy students

15550-15565 School lunch and breakfast programs

UNITED STATES CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Legal References

EDUCATION CODE

233.5 Duty concerning instruction of students

8850.5 Family relationships and parenting education

35183.5 Sun protection

49413 First aid training

51202 Instruction in personal and public health and safety

51203 Instruction on alcohol, narcotics, and dangerous drugs

51210 Areas of study

51220.5 Parenting skills; areas of instruction

51260-51269 Drug Education

51265 Gang Violence

51513 Personal beliefs

51890-51891 Comprehensive health education programs

51913 District health education plan

51920 Inservice training, health education

51930-51939 Comprehensive sexual health and HIV/AIDS prevention education

CALIFORNIA CODE OF REULATIONS, TITLE 5

11800-11801 District health education plan

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Legal References

EDUCATION CODE

- 33350 CDE responsibilities re: Physical Education EC Section 44203
 - 49066 Grades; Physical Education class
 - 51210 Course of study, grades 1-6
 - 51220 Course of study, grades 7-12
 - 51222 Physical education
 - 51223 Physical education, elementary schools
 - 51241 Temporary or permanent exemption from Physical Education
 - 51242 Exemption from Physical Education for athletic program participants
 - 52316 Excuse from attending Physical Education classes
 - 60800 Physical performance test
- #### CODE OF REGULATIONS, TITLE 5
- 304 Leaving room at recess
 - 352 Detention during recess or noon intermission
 - 1041-10456 Physical performance tests
 - 3051.5 Adapted Physical Education for individuals with exceptional needs
 - 10060 Criteria for high school Physical Education programs

Legal References

EDUCATION CODE

- 49407 Liability for treatment
- 49408 Emergency information
- 49423 Administration of prescribed medication for student
- 49423.5 Specialized health care services
- 49426 School nurses
- 49480 Continuing medication regimen; notice

Legal References

EDUCATION CODE

- 32066 Safety: public and private institutions
 - 35020 Duties of employees fixed by governing board
 - 35035 Powers and duties of superintendent
 - 35160 Authority of governing board
 - 35160.1 Broad authority of school districts
 - 44962 Leaves of absence for certificated employees
 - 44964 Power to grant leaves of absence for accident, illness or quarantine
 - 45190-45209 Resignations and leaves of absence for classified employees
- #### LABOR CODE
- 6305 Occupational safety and health standards; special order
 - 6310 Retaliation for filing complaint prohibited
 - 6401.7 Injury prevention programs
 - 6400-6413.5 Responsibilities and duties of employers and employees

CODE OF REGULATIONS, TITLE 8

- 3203 Injury and illness prevention program
- 5095-5100 Control of noise exposure

CODE OF FEDERAL REGULATIONS, TITLE 29

- 1910.95 Noise standards

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GOVERNMENT CODE

3540-3549.3 *Public education employer-employee relations*

8355 *Certification to contracting or granting agency; requisites Unemployment Insurance Code 2613*

HEALTH AND SAFETY CODE

104420 *Providing information re: smoking cessation program .*

UNITED STATES CODE, TITLE 41

701-707

Legal References

EDUCATION CODE

35291 *Governing board to prescribe rules for discipline of the schools*

48900 *Grounds for suspension/expulsion*

48902 *Notification of law enforcement authorities*

48915 *Required recommendations for expulsions*

48916 *Readmission*

49330-49335 *Injurious objects*

PENAL CODE

245 *Assault with a deadly weapon*

417.2 *Imitation firearms*

417.2.1 *Imitation firearm; drawing or exhibiting*

626.9 *Gun-Free School Zone Act of 1995*

626.10 *Dirks, daggers, razor or stun gun; bringing or possessing in school or on school ground; exception*

653k *Soliciting a minor to commit certain felonies*

12001 *Control of deadly weapons*

12020-12028.5 *Unlawful carrying and possession of concealed weapons*

12403.7 *Weapons approved for self-defense*

12220 *Unauthorized possession of a machine gun*

12401 *Tear gas*

12402 *Tear gas weapon*

12403.7 *Weapons approved for self defense*

12403.8 *Minors 16 or over; tear gas and tear gas weapons*

UNITED STATES CODE, TITLE 20

6301-7491 *No Child Left Behind Act; especially:*

7151 *Gun-Free Schools Act*

EDUCATION CODE

35146 *Closed sessions*

35291 *Rules*

35291.5-35291.7 *School-adopted discipline rules*

35294-35294.9 *School safety plans*

37223 *Weekend classes*

444807.5 *Restitution from recess*

48630-48644.5 *Opportunity schools*

48900-48926 *Suspension and expulsion*

48980-48985 *Notification of parents or guardians*

4900-49001 *Prohibition of corporal punishment*

49330-49335 *Injurious objections*

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CODE OF REGULATIONS, TITLE 5

Participation in school activities until departure of bus

Detention after school

200-262.4 *Prohibition of discrimination on the basis of sex*

48900.2 *Additional grounds for suspension or expulsion; sexual harassment*

48904 *Liability of parent/guardian for willful student misconduct*

48980 *Notice at beginning of term*

Legal References:

CIVIL CODE

1714.1 *Parental liability for child's misconduct*

51.9 *Liability for sexual harassment; business, service and professional relationships*

1714.1 *Liability of parents/guardians for willful misconduct of minor*

CODE OF REGULATIONS, TITLE 5

4900-4965 *Nondiscrimination in elementary and secondary education programs receiving state financial assistance*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX, Discrimination*

UNITED STATES CODE, TITLE 42

2000d-2000d-7 *Titles VI, Civil Rights Act of 1964*

UNITED STATES CODE, TITLE 42

2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 *Nondiscrimination on the basis of sex in education programs*

EDUCATION CODE

COURT DECISIONS

Reese v. Jefferson School District, (2001) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Oona R.-S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452

Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143

Clyde K. v. Puyallup School District #3, (1994) 35 F.3d 1396

Patricia H. v. Berkeley Unified School District, (1993) 830 F.Supp. 1288

Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028

Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651

Policy Adopted:

HAYWARD UNIFIED SCHOOL DISTRICT
Hayward, CA

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Wellness

FOODS SERVED ON CAMPUS

1. The District will have a fresh or dried fruit and/or vegetable available at each breakfast or lunch and ensure that a variety is served every week.
2. The District shall make every effort to purchase fresh fruits and vegetables directly from local growers.
3. The District will make every effort to serve a wide variety of foods that reflect the cultural diversity of its student population.
4. The District shall make every effort to provide each student at least twenty minutes to eat lunch and fifteen minutes to eat breakfast.
5. The District shall make every effort to serve organically grown foods.
6. The District shall research potentially harmful food additives and food processes and will ensure that no harmful foods are offered.
7. Child Nutrition Services shall work to support nutrition education activities in the classroom.

FOOD AND BEVERAGE SALES

Allowable Foods and Beverages:

Elementary School:

1. Full meals as part of the National School breakfast, lunch and snack programs.
2. Individually sold portions of nuts, nut butters, seeds, eggs, cheese, packaged for individual sale; fruits and vegetables that have not been deep fried, and legumes.
3. Individually sold dairy or whole grain food items may be sold to pupils at elementary school, except for foods sold as part of a USDA meal program, if each contains less than 35% of its total calories from fat, less than 10% of its total calories from saturated fat, and less than 35% of its total weight from sugar, including sugars that are naturally occurring and added.
4. Fruit- or vegetable-based drinks that are composed of not less than 50% juice and have no added sweeteners, low- or non-fat milk or milk substitute (2% or less fat) and drinking water without added sweeteners may be sold.
5. Not more than 175 calories per individual food item.