COMPETITIVE FOOD SALES–SALES OF FOODS IN COMPETITION WITH
THE SCHOOL FOOD SERVICE PROGRAM

The MSAD #9 supports good nutrition as part of a school environment that contributes to
student health and encourages positive food choices and eating habits. The Board
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 Board also recognizes that proceeds from the sale of foods and beverages outside of
the School Lunch Program (“competitive foods”) are a significant source of funds for
student activities that MSAD #9 might not otherwise be able to provide.

The Board has adopted this policy to govern the sale of foods and beverages on school
property.

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\(^1\) 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\(^2\),
except as provided for by school board policy in certain circumstances.

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

1. To school staff

2. To attendees at school-sponsored community events held on school property
   (i.e., school-sponsored events that are open to the public)

\(^1\) According to DOE Rule Chapter 51 (1)(b), the “Total Food Service Program” includes the federal Milk
Program as defined in 7 C.F.R. § 215; the federal Breakfast Program, which means the federal program
under which a breakfast that meets the nutritional requirements set forth in 7 C.F.R. § 220 is offered; the
National School Lunch Program (including the After School Snack), which means the federal program
under which the school operates a nonprofit lunch program that meets the requirements of 7 C.F.R.§ 210;
or any combination of these programs.

\(^2\) “Foods of minimal nutritional value” as defined in 7 C.F.R. § 210.11(a)(2) means: (a) In the case of
artificially sweetened foods, a food which provides less than five percent of the Reference Daily Intake
(RDI) for each of the eight specified nutrients per serving; (b) in the case of all other foods, a food which
provides less than five percent of the RDI for each of eight specified nutrients per 100 calories and less than
five percent of the RDI for each of eight specified nutrients per serving. The eight nutrients to be assessed
for this purpose are: protein, vitamin A, vitamin C, niacin, riboflavin, thiamin, calcium, and iron. This
definition is applicable to foods that are part of the total food service program of the school and to foods
and beverages sold at food sales, school stores, and in vending machines. A listing of “Categories of Foods
of Minimal Nutritional Value” is in Appendix B to 7 C.F.R. Part 210 (National School Lunch Program).
3. To the public at community events held on school property in accordance with the Board’s facilities use policy

4. In State-approved instructional Career and Technical Education (CTE) Programs

5. 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.

**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 Board’s facilities use policy.

**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 Educ. 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
KF— Community Use of School Facilities
KJA— Relations With Booster Organizations