



Competitive Food Sales Policy

A. Purpose: The purpose of this policy is compliance with federal laws regulating competitive food for all programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 operating on the school campus during the school day.

B. Definitions:

1. “A la carte” means a beverage or food product sold in schools to students during the lunch period that is not part of the United States department of agriculture school meal program.
2. “Combination foods” means products that contain two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein or grains.
3. “Competitive food” means all food and beverages other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 available for sale to students on the School campus during the School day.
4. “Entrée item” means an item that is intended as the main dish and is either:
 - a. A combination food of meat or meat alternate and whole grain rich food; or
 - b. A combination food of vegetable or fruit and meat or meat alternate; or
 - c. A meat or meat alternate alone with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters, and meat snacks (such as dried beef jerky); or
 - d. A grain only, whole-grain rich entrée that is served as the main dish of the School Breakfast Program reimbursable meal.
5. “Fundraiser” means a sale on a school campus to benefit a school or school organization of beverage or food products limited by a United States department of agriculture school meal program for use, consumption or sale during the school day. No fundraiser may be conducted in competition with school meals in the food service area during meal service.
6. “School campus” means, for the purpose of competitive food standards implementation, all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

7. “School day” means, for the purpose of competitive food standards implementation, the period from the midnight before, to 30 minutes after the end of the official school day.
8. “Paired exempt foods” mean food items that have been designated as exempt from one or more of the nutrient requirements individually which are packaged together without any additional ingredients. Such “paired exempt foods” retain their individually designated exemption for total fat, saturated fat, and/or sugar when packaged together and sold but are required to meet the designated calorie and sodium standards specified in §§ 210.11(i) and (j) at all times.
9. “Vended beverages and foods” means a beverage or food product sold in vending machines to students in schools.

C. General Requirements for Competitive Food

1. Pursuant to federal law local educational agencies, such as charter schools, must establish such policies and procedures as are necessary to ensure compliance with this applicable regulations around competitive food sales on the school’s campus.

2. The school is responsible for the maintenance of records that document compliance with the nutrition standards for all competitive food available for sale to students in areas under its jurisdiction that are outside of the control of the school food authority responsible for the service of reimbursable school meals. In addition, the school is responsible for ensuring that organizations designated as responsible for food service at the various venues in the schools maintain records in order to ensure and document compliance with the nutrition requirements for the foods and beverages sold to students at these venues during the school day as required by this section. The School Food Authority (SFA) is responsible for maintaining records documenting compliance with these for foods sold under the auspices of the nonprofit school food service. At a minimum, records must include receipts, nutrition labels and/or product specifications for the competitive food available for sale to students.

3. Competitive food and beverage items sold during the school day must meet the nutrition standards for competitive food as required in this section. A special exemption is allowed for the sale of food and/or beverages that do not meet the competitive food standards as required in this section for the purpose of conducting an infrequent school-sponsored fundraiser. Under New Mexico state regulations a fundraiser may be conducted only for up to one school day on two occasions per semester or trimester term in a school that participates in United States department of agriculture school meal programs. No specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service.