

Competitive Foods

The Healthy, Hunger-Free Kids Act of 2010 specifies that nutrition standards apply to all foods sold outside the school meal programs, on the school campus, and at any time during the school day. These changes are intended to improve the health and well-being of the nation's children, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits. The standards for food and beverages are minimum standards that local educational agencies, school food authorities and schools are required to meet.

Competitive foods and beverages are those sold at school sites outside of and in competition with the federally reimbursable meal programs. Examples of competitive foods and beverages include those sold during the school day in student stores, a la carte items sold by the food service department, and items sold at fundraisers. More detailed information can be found at <http://www.cde.ca.gov/ls/nu/he/compfoods.asp>. Quick reference cards that concisely outline the foods allowed and the food sale regulations for schools can be found in the appendix of this report and at <https://www.cde.ca.gov/ls/nu/he/documents/compfoodrefcard.doc>. It would benefit the district to add CDE's quick reference cards to its wellness information on the Child Nutrition Services Department website and to provide them to school offices, student clubs and parent-teacher associations. The department website is well done and provides much information, and this would be a good addition.

In addition to complying with nutritional requirements such as fat, calorie, sugar, whole grain, and sodium limits, student organizations at middle and high schools must comply with the following regulations (California Code of Regulations Title 5 Section 15501):

1. Up to three types of foods or beverages *may* be sold each day (e.g., chips, sandwiches, juices, etc.).
2. Food or beverage item(s) must be preapproved by the governing board of the school district.
3. Only one student organization is allowed to sell each day.
4. In addition to the one organization a day, all organizations may sell foods four times a year, all on the same four days. School administration may set these dates.
5. Food(s) or beverage(s) cannot be prepared on campus.
6. The food or beverage categories sold cannot be the same as those sold in the food service program at that school during the same school day.

These rules must be followed on school campuses from midnight until 30 minutes after the end of the school day. This includes vending machines being locked.

During staff interviews and in site observations, the study team was made aware that some high schools do not meet regulations with student store sales. The team visited the student store at Norte Vista High School during the lunch period and found that the store offered a large variety of snacks and beverages, considerably more than three types of foods. The store had a variety of chips, corn nuts, Pop Tarts, Rice Krispy treats, jerky, fruit roll-ups, juice bars, ice cream, Powerade, water, and juices, and students were baking cookies (which is considered on-site preparation). The store sold many of the same foods as the food service program. The teacher at

the store indicated that daily income is \$200-\$300. The food service program's a la carte sales for October 2018 averaged \$134 per day, and the student store likely affects these sales.

The teacher showed the study team a notebook that listed the nutritional analysis for the products sold. She stated that all the items are tested in the Smart Snack Calculator located on the Child Nutrition Services Department website. This calculator is from the USDA and determines if nutritional information on product labels meet the regulations for food sales. The instructor was aware of the nutritional guidelines, but did not seem to be aware of the limit on the number of items that can be sold and that the student store cannot sell items also offered by food service. A copy of CDE's quick reference card with food sale regulations was in the front of the notebook; therefore, it appears that guidance has been provided to schools. The district's Student Wellness Policy and board policy and administrative regulations regarding competitive foods address the regulations; however, sites do not fully understand them and/or there is a lack of oversight regarding competitive food sales. Staff indicated there were similar issues with student stores on the other high school campuses.

Although the study team was not made aware of any other areas of noncompliance with competitive foods regulations, such as those for fundraisers, there could be some that food service and district staff do not know about. Failure to abide by competitive food sales requirements may result in the state withholding federal and state meal reimbursements, even when school sites and not the Child Nutrition Services Department cause violations. It is vital that the district educate staff and students about these issues and enforce the requirements.

The nutrition specialist is the co-coordinator of the district Wellness Committee, and competitive food sales should be an item that she routinely discusses with site administrators and reviews at least annually in Wellness Committee meetings. Parents, students and staff at all schools should be regularly reminded about the requirements for food sales. Board Policy 5030, Student Wellness, states that the public shall be informed about the content and implementation of the district's wellness policy on an annual basis.

Recommendations

The district should:

1. Review competitive food sale regulations with all site staff and students and ensure that all groups follow them.
2. Ensure that site administrators and child nutrition management staff monitor food sales to ensure compliance.
3. Ensure that student stores comply with regulations regarding the number of items that can be sold, that items sold cannot be the same as the food service program, and that food cannot be prepared (including baking cookies) on campus.
4. Add CDE's quick reference cards to the Child Nutrition Services Department website and make them readily available to school sites, student clubs and parent-teacher associations.

5. Review the Student Wellness Policy, including competitive food sale compliance annually with sites and the public.
6. Ensure food service management staff routinely discusses competitive food sale regulations with site administrators and at Wellness Committee meetings.