

RSU #63

- a. NEPN/NSBA Code:** EFE
- b. Title:** Competitive Food Sales-Sales of Food In Competition with School Food Service Program Superintendent/Board of Directors
- c. Author:**
- d. Replaces Policy:**
- e. Date Previously Approved:** 03/27/2006
- f. Date Approved:** 11/28/2016 RSU #63
- g. Policy Expiration:** Review as Needed
- h. Date Reviewed:** 11/07/2016 Superintendent/Business Manager
11/07/2016 Policy Committee
- i. Responsible for Review:** Superintendent/Business Manager/Policy Committee
- j. References:**

**ME. Dept. of Educ. Rule Chapter 51
Competitive Food Services, Title 7, Subtitle B, Chapter II,
Subchapter A, Part 210, Subpart c, Section 210.11 (a)(2),**

**Cross Referenced Policies: KF – Community Use of School Facilities
& RSU 63 Equipment**

k. Narrative:

- I.** The RSU 63 Board of Directors (the Board) has adopted this policy to govern the sale of food and beverages on RSU 63 property. The Board has broad discretion in determining when a sponsor of an event is an “approved student organization” and when an activity is a “school sponsored event.”
- II.** The Board also recognizes that proceeds from the sale of food and beverages outside of the School Lunch Program (“competitive foods”) are a significant source of revenue for student activities that RSU 63 might not otherwise be able to provide.
- III.** Maine Department of Education (DOE) 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 service program of the school and shall include only those items which contribute both to the nutritional needs of the students and the development of desirable food habits, and shall not include foods of minimal nutritional value as defined in applicable federal regulations except as provided for by the Board’s policy in certain circumstances.
- IV.** As allowed by federal and state law, the Board permits the sale of food and beverages outside the school day, that period from the midnight before, to 30 minutes after the end of, the official day.

- V.** 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 of the healthy food choices.

- VI.** 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 (Policy KF).

- VII.** Community events that are sponsored by non-school groups such as Kiwanis, Boy Scouts, Girl Scouts, Little League, town government, or other community organizations are events over which RSU 63 has no authority or responsibility other than through the Board's Policy KF. The DOE stated it is its intent that funds raised by such organizations through the sale of food and beverages would accrue to the sponsoring organization. This will also apply to certain booster groups and booster activities in accordance with the facilities' use policy.

- VIII.** The Superintendent will be responsible for enforcement of this policy. A school district 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 principal.