



## **3714.1: PROGRAM - OFFERINGS**

### **I. The following definitions shall apply to this Rule:**

- A. “A la carte” shall mean individually priced food items (i.e., protein, fruits, vegetables, grains, and milk). Multiple a la carte items purchased at the same time may constitute a qualified meal if the combination of multiple items meets the United States Department of Agriculture (USDA) requisites.**
- B. “Competitive foods” shall mean edible products and/or beverages sold or distributed in or on school owned property when such products and/or beverages are not a part of the District’s food service program.**
- C. “Foods of minimal nutritional value (FMNV)” shall mean soda water, water ices, chewing gum, and certain candies (e.g., hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy, and candy coated popcorn) as defined by the USDA.**
- D. “Qualified meal” shall mean a meal which meets the requisites for a reimbursable meal under the USDA’s National School Lunch and Breakfast Program.**
- E. “Snacks” shall mean food or beverage items that are not a component (i.e., protein, fruit, vegetable, grain, or milk) of a qualified meal.**

### **II. General Provisions**

- A. All students in the District shall have access each school day to both breakfast and lunch programs.**
- B. A la carte and snack items may be offered to students under the following restrictions:**
  - 1. Elementary Schools: With the exception of milk, a la carte and snack items may be purchased only after the student has first purchased a qualified meal.**
  - 2. Middle Schools: With the exception of milk, a la carte and snack items may be purchased only after the student has first purchased a qualified meal while school is in session. When school is not in session students may purchase a la carte items without a qualified meal purchase.**

**3. High Schools: Students shall not be required to purchase a qualified meal prior to purchasing a la carte and snack items.**

**C. The procedures of the District's food service program shall provide multiple ways for students to select their meal items to create a meal package that constitutes a qualified meal.**

**D. Classroom snacks may, if approved by the building principal, be given to students at any time during the school day other than 30 minutes before and after those times when qualified breakfasts or lunches are being served. Birthday parties, holiday events, and all other activities held during the school day shall be subject to this provision.**

**E. In elementary schools, deep-frying shall not be used as a method of on-site preparation of food. Flash-fried foods from the manufacturer may be served if such foods are heated on-site by a means other than deep-frying.**

**F. Restrictions on FMNV**

**1. No foods of minimal nutritional value (FMNV) shall be sold or served to students the midnight before to 30 minutes after the end of the official school day.**

**2. The restriction on selling or serving FMNV shall not apply to the following:**

**a. Foods or beverages sold or served as part of a limited fundraising activity or other school-related activity approved by the building principal. Such items may be sold during school days other than 30 minutes prior, during, and 30 minutes after those times when qualified breakfasts or lunches are being served. "Limited fundraising" shall be defined by FNS NDE.**

**b. Foods or beverages dispensed by a nurse to students during the course of providing healthcare to the student.**

**c. Foods or beverages dispensed to a special needs student pursuant to the student's individual education plan (IEP).**

**d. Foods or beverages served to students as part of the curriculum (e.g., cultural heritage presentation).**

**e. Foods or beverages on field trips or other activities held off school grounds.**

**f. Foods or beverages which are brought to school by a student for the purpose of the student's personal consumption.**

**III. Nutritional Standards**

**A. Food items shall meet all requirements set by the USDA for the National School Lunch and School Breakfast Programs: Nutritional Standards For All Foods Sold in schools, as required by the Healthy, Hunger-Free Kids Act of 2010.**

**B. All items sold that are defined as “competitive foods”, must meet all guidelines provided by Food and Nutritional Services, USDA, 7 CFR, Parts 210 and 220.**

#### **IV. Serving Portions**

**Serving portions shall meet all requirements set by the USDA for the National School Lunch and School Breakfast Programs: Nutritional Standards For All Foods Sold in schools, as required by the Healthy, Hunger-Free Kids Act of 2010.**

##### **Date of Adoption**

**August 15, 2005**

##### **Date of Revision**

**August 17, 2009**

**March 19, 2013**

**May 6, 2019**

##### **Related Policies and Rules**

**[3714: Program - Offerings](#)**