



A Student's Guide to
**State and Federal Regulations
Pertaining to Fundraisers and
Food Sales on Campus**

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Overview

ALL food and beverage sales in all public schools require approval. Conditions like the nutritional value, the number of items sold, and how the food is being prepared must be examined. The following information outlines the policies, laws and guidelines that cover all food and beverage sales outside of the school lunch program including the use of vending machines, student stores and food sales on campus by student and adult organizations. These food restrictions apply to ALL foods sold or given to students by ANY organization, ANY person or ANY school staff member.

Local School Wellness Policy

All districts participating in the National School Lunch or Breakfast program must establish a Local School Wellness Policy (LSWP) that, among other things, includes nutrition guidelines for all foods and beverages available on school campus. A copy of the Twin Rivers Board Policy on Wellness (BP3550) is available in your school cafeteria or on the Twin Rivers website. When developing the Twin Rivers Wellness Policy and nutritional standards for the district, all state and federal laws were mirrored.

Snapshot Definitions

Senate Bill 12 – (SB12) – This California law establishes the nutrition standards for food sold or given to students anywhere on campus. It limits fat, sugar and portion sizes in foods sold a la carte, in vending machines, student stores, or as part of a school fund raiser.

Senate Bill 965 – (SB965) – This California law defines school beverage standards for secondary and elementary schools and eliminates the sale of carbonated beverages and other sweetened beverages. Similar standards were previously defined for elementary and middle schools in Senate Bill 677.

Competitive foods - Any foods sold in competition with school meal programs to students on campus during the breakfast and lunch periods.

Food of Minimal Nutritional Value (FMNV) - A food which provides less than 5% of the RDI of each of the eight specified nutrients per serving. In other words, a food must contain at least one of the following eight nutrients: Protein, Vitamin A, Vitamin C, niacin, riboflavin, thiamin, calcium and iron. The categories of FMNV include: soda water, water ices, chewing gum, certain candies, hard candy, jellies and gums, marshmallow candies, fondant, spun candy. If any of the state allowed foods are classified as FMNV, for example beverages that meet the above standards and are carbonated, they are **not allowed** on campus. Any carbonated beverage, diet soda, sparkling water, and carbonated juices are prohibited in the food service area at meal times under the federal law in all schools unless the manufacturer has petitioned for and received a waiver.

Trans Fats - A food item that contains vegetable shortening, margarine, or any kind of hydrogenated or partially hydrogenated vegetable oil, unless the manufacturer's documentation or the label lists the trans fat content as less than 0.5 gram per serving. Effective July 1, 2009: Foods containing artificial trans fat cannot be served or sold on any public school campus.

Whole Grain – A food item that contains the statement “Diets rich in whole grain foods and other plant foods and low in total fat, saturated fat, and cholesterol, may help reduce the risk of heart disease and

certain cancers,” or includes a whole grain as the first listed grain ingredient, or includes an amount of whole grains that, when combined, represents at least 51 percent of total grain weight

Elementary School - When referring to the food restrictions listed, the definition of elementary school is a public school with no grade higher than grade six

Middle/Junior High School - When referring to food restrictions listed, a middle/junior high contains grades seven or eight or seven to nine or seven to ten.

High School - When referring to food restrictions listed, a high school contains any of the grades ten to twelve.

Note:

When state laws are more restrictive, they supersede federal requirements.

Basic facts about SB12 and SB965

What are SB12 and SB965?

In 2005, California passed new laws regulating the **nutrition content** of food and beverages sold in public schools and after-school programs. **SB12 covers the nutrition** requirements for snacks and entrées, **SB965 defines the requirements for beverages.**

Why are these laws important?

Childhood obesity is a growing epidemic across California and the United States. Being overweight increases the risk of type 2 diabetes, heart disease, hypertension, and musculoskeletal problems. Obesity may also affect a children’s body image, self-esteem, social and emotional development.

Schools and after school programs play a critical role in establishing healthy eating habits and curbing the childhood obesity epidemic. Before SB12 and SB965, only food and beverages sold as part of the federal meal programs were required to meet nutrition standards. Similar standards did not exist for items sold outside of federal programs and these “competitive foods” were often very high in added sugar and fat. Recognizing that unhealthy snacks and beverages contribute to childhood obesity, California passed these laws to create minimum nutrition standards for all items sold outside of the National School Breakfast and Lunch Programs (NSLP/NSBP).

Which foods must meet SB12 and SB965 criteria?

SB12 and SB965 regulations apply to all food and beverages sold or given to students at school by any entity that is not part of a federal meal program. This includes items sold in vending machines, school stores and snack bars, as well as items sold directly by students or adults for fundraising purposes (see fundraising section below). It does NOT include foods brought from home for student’s personal consumption.

What are the basic requirements of SB12 and SB965?

SB12 and SB965 set different nutrition requirements for elementary schools and middle and high schools, and there are different regulations for snacks, entrées, and beverages. Please refer to the charts on pages 6-7 for more a detailed summary.

What about private schools, daycares, non school-based after school programs, and other children’s service agencies?

Only public schools and public school-based after school programs are required by law to comply with

SB12 and SB965. However, these laws are reasonable guidelines that ban high-fat and high sugar foods that cause childhood obesity.

Fundraising - Food and Beverages Sold by Student and Adult Organizations

What about foods sold by students for fundraising purposes?

All food and beverages sold at school during school hours by any entity must meet SB12 and SB965 regulations, even if these items are sold by students for fundraising purposes. The only time students may sell items that do not meet this criteria is if they are off school grounds or at least one-half hour after school ends. There are many creative ways to raise money without selling unhealthy snacks. For healthy fundraising ideas, check out the Nutrition Services section of the Twin Rivers Website.

What kinds of foods can be sold?

Student and adult organizations at the secondary level are allowed to sell three categories of food or beverage items (e.g., ice cream, juices, chips) on a daily basis from the food list on pages 8-9. If you would like to sell an item that is not on this list, please submit your request on the enclosed form for review. You will be notified within 2 weeks of receipt if your item meets state and federal regulations.

Can student or adult organizations sell or give away food and beverages during school hours in Elementary schools?

Only if all of the following conditions are met:

- The specific food items must be approved by the school board or designee. The approval will be based on state regulations outlined in SB12 and SB965 unless the sale takes place 1/2 hour after school or off campus.
- The approved food sales do not begin until after the close of the regularly scheduled midday food service period.
- The approved sales during the regular school day are not food items prepared on the premises.
- There are no more than four such sales per year, per school.
- The food item sold is a dessert type food. (Incorporating the new State laws, you may only sell from the list of approved beverages and food outlined in SB12 and SB965 unless the sale takes place 1/2 hour after school or off campus).
- The food item sold is not one sold in the food service program at that school during that school day.

Are the laws different for secondary schools?

Yes, secondary student organizations have a little more leeway. But the specific food items must still be approved by the school board or designee. The approval will be based on the state regulations outlined in SB12 and SB965 unless the sale takes place 1/2 hour after school or off campus.

The differences at a secondary school are that a student organizations may be approved to sell food at any time during the school day, including the regularly scheduled food service period, with the following restrictions:

- **Only one such organization each school day may sell no more than three categories of food or beverage items;**
- Any one or more student organizations may conduct no more than four food sales of any food items during a school year in each school, but such sales shall be held on the same four days for any or all organizations;

- The sales during the regular school day are not of food prepared on the premises
- The food items sold during the regular school day are not the same as any item sold by the district in the food service program at that school during that school day.

Summary of Beverages Allowed in California Public Schools

Below is a summary of SB965 outlining the beverages that are allowed for sale on school campuses in the State of California. This law was signed September 15, 2005.

This law does not include beverages that are served in combination with the full meals offered in the National School Breakfast and Lunch Programs. It covers, but is not limited to, beverages sold in: fundraisers, student stores, vending machines, ala carte items and school-sponsored events. These beverage restrictions apply to ALL beverages sold to students by any entity.

All Grade Levels Are Allowed These Core Items:

- Fruit based drinks composed of no less than 50% fruit juice and have no added sweetener.
- Vegetable-based drinks that are composed of no less than 50% vegetable juices and have no added sweetener.
- Drinking water with no added sweetener.
- Milk in a variety of fat contents and other non-dairy milk items.

- In addition to the above, **Middle/Junior and Senior High** students are allowed an electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20 ounce serving.

Beverages that do not comply with the above restrictions are allowed, but only after meeting the conditions listed below:

Elementary Schools:

- The beverages are sold by pupils of the school and the sale takes place off and away from the school premises.

OR

- The items are sold by pupils of the school and the sale takes place one-half hour or more after the end of the school day.

Middle/Junior or High Schools:

- The sale occurs during a school-sponsored event and takes place at the location of that event at least one-half hour after the end of the school day.
- The sale of beverages in vending machines, pupil stores, and cafeterias must only be available later than one-half hour after the end of the school day, and no later than one-half hour before the start of the school day.

Summary of Foods Allowed in California Public Schools Outside of the NSLP and NSBP

Below is a summary of SB12 outlining the foods that are allowed to be served or sold on school campuses in California. This law does not include foods that are served in combination with the full meals offered in the National School Breakfast and Lunch Programs. It covers, but is not limited to, food sold in: fundraisers, student stores, vending machines, ala carte items and school-sponsored events. Effective July 1, 2009, foods containing artificial trans fat cannot be served or sold on any public school campus.

Definitions:

Full meal – Any combination of food items that meet USDA-approved School Breakfast and Lunch Program meal pattern requirements.

Sold – The exchange of food for money, coupons or vouchers.

Entrée – A food that is generally regarded as being the primary food in a meal, and shall include, but not be limited to, sandwiches, burritos, pasta and pizza and must contain two or more food groups or a meat/meat alternate alone.

Snack – A food that is generally regarded as supplementing a meal, including, but not limited to, chips crackers, onion rings, nachos, French fries, donuts, cookies, pastries, cinnamon rolls and candy.

Foods Allowed at Elementary level grades PK-6:

- Full meals offered by the National School Breakfast and Lunch programs
- Individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried and legumes.
- Individually sold dairy and whole grain items if they meet the following standards:
 - Not more than 35% of its total calories from fat.
 - Not more than 10% of its total calories from saturated fat.
 - Not more than 35% of its total weight shall be composed of sugar, including occurring and added sugar.
 - No more than 175 calories per individual food item.

Foods Allowed at Middle/Junior or High Schools grades 7-12:

- Full meals offered by the National School Breakfast and Lunch programs
- Individually sold snacks shall meet all of the following standards:
 - Not more than 35% of its total calories shall be from fat. Exempt: Nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried and legumes.
 - Not more than 10% of its total calories from saturated fat. Exempt: Eggs or cheese packaged for individual sale.
 - Not more than 35% of its total weight shall be composed of sugar, including occurring and added sugar. Exempt: Fruits or vegetables that have not been deep fried are exempt from the sugar restriction.
 - Mixed foods containing ONLY exempt items are exempt from all restrictions.
 - No more than 250 calories per individual food item.
- Individually sold entrées sold to a pupil shall meet all of the following standards:
 - Contains no more than 400 calories per entrée
 - Contains no more than 4 grams of fat per 100 calories in each entrée.

Foods that do not comply with the above restrictions are allowed, but only after meeting these conditions:

Elementary Schools:

- The items are sold by pupils of the school and the sale takes place off and away from the school premises.
- The items are sold by pupils of the school and the sale takes place one-half hour or more after the end of the school day.

Middle/Junior or High Schools:

- The sale of those items takes place off and away from school premises.
- The sale of those items takes place on school premises at least one-half hour after the end of the school day.
- The sale occurs during a school-sponsored event and takes place at the location of that event at least one-half hour after the end of the school day.



ALLOWABLE PRODUCTS FOR STUDENT SALES SB12 AND SB965 COMPLIANT AS OF 9/9/2009

One student or adult organization at the secondary level are allowed to sell three categories of compliant food and beverage items (e.g., ice cream, juices and chips) on a daily basis. A list of compliant foods that are allowable in the Twin Rivers District is provided below. Selling items that are in direct competition with the Nutrition Services Department is not allowed. If you would like to sell an item that is not on this list, please submit your request on the form below for review. You will be notified within two weeks of receipt if your item meets all state and federal regulations.

Fruit Based Snacks

Au some Snack Naturally

- .6 oz Fruit Juice Nuggets: Blueberry, Cranberry Apple, Orange, Strawberry
- .6 oz Fruit Juice Sour Strings: Strawberry, Blueberry, Cranberry Apple, Orange

Brach's Confections

- 25.5g Hi-C Fruit Snacks, (exempt)
- 25.5g Orchard Fruit Fruit Snacks (exempt)

Brookside Fruit Company

- 21.3g X-Treme Fruit Bites: Atomic Apple, Charg-n Cherry, Citrus Cyclone, Strawberry Blast (exempt)

Brothers All Natural

- .53 oz Pineapple Crisps
- .23 oz Strawberry Crisps
- .35 oz Fuji Apple Crisps
- .46 oz Asian Pear Crisps

General Mills

- 21g Fruit by the Foot Special Edition Only - Fruit Punch, Strawberry, Berry Tie-Dye
Fruit Roll-ups Special Edition Only, Strawberry
Punch, Crazy Colors, Screemin' Green, Electric
Yellow, Sizzling Red Hot, Blazin' Blue, Tropical
- 14g Tie-Dye, Strawberry reduced sugar
Fruit Gushers Fruit Snack Special Edition Only,
- 25g Strawberry Punch, Watermelon Blast
- 25g Sunkist Mixed Fruit Snacks Mixed Fruit

Kettle Valley

- .7 oz Fruit Bar: Wild Berry, Watermelon, Tropical, Strawberry, Sour Apple, Raspberry, Grape

Misc Snacks

CLIF Bar

2.4 oz Energy Bars: **Chocolate Brownie Energy Bar**, Crunchy Peanut Butter Energy Bar

Dakota Gourmet

1.25

oz S'Mores Cocoa Trail Mix

Frito Lay

.5oz Pretzel Rold Gold tiny twists

Classic Foods

.67 oz White Cheddar Popcorn

General Mills

1oz Nature Valley Granola Bar: Chewy Chocolate
Chip

1.5 oz Nature Valley Granola Bar: Oats and Honey,
Maple Brown Sugar, Peanut Butter

21g Chex 100 Calorie - Chocolate Caramel only

32g Chex Mix - Sweet and Salty Trail Mix

49g Chex Mix - Honey Nut

Genisoy

1oz Chips Apple Cinnamon Soy Crisps

Kellogs

21g Honey Grahams, 3 pack

Kraft

1oz Cheese Handi-Snack Mozzarella String Cheese only

Nabisco

22g 100 Calorie: Ritz Toasted Chips Snack Mix, Thin Crisps Oreo, Wheat Thins Toasted Chips

Quaker

.67 oz Rice Snacks: Cheddar Cheese

.91oz Rice Snacks: Mini Caramel

Frozen Confections

Luigi's

4 oz Real Italian Ice Squeeze Tubes: Lemon, Strawberry, Sherry, Mango

Minute Maid

3.1 fl oz Juice bars: Green Apple, Cherry, Orange, Grape, Punch, Blue Raspberry, Premium Strawberry, Pink
oz Lemonade

ICEE

4 oz Squeeze Tubes: Cherry, Blue Raspberry, Watermelon,

Blue Bunny Ice Cream

2.5oz Cool Daze Fudge Dream Bar



Food Item Review Request

This form is to determine if the food item you wish to sell meets the requirements for calories, fat, saturated fat, and sugar established by California’s legislators. Snack items must be 250 calories or less per serving. If the number of calories per serving is higher than 250, the food cannot be sold. Foods that compete with cafeteria sales are prohibited by law.

<p>Date Sent: _____</p> <p>Person Requesting Review: _____</p> <p>Phone: _____</p> <p>Email: _____</p> <p>Campus location of sale: _____</p> <p>Organization benefiting from sale: _____</p> <p>School Site item is to be sold at: _____</p> <p>Time of day item will be sold: _____</p> <p>Product name: _____</p> <p>Manufacturer: _____</p> <p>Product Description/Category: _____ (Example: cracker, fruit snack, etc.)</p> <p>Size of package: _____</p> <p>Servings per package: _____</p> <p>Serving size in grams (g): _____</p> <p>Calories per serving: _____</p> <p>Calories from fat: _____</p> <p>(a fat gram has 9 calories)</p> <p>Fat grams (g): _____</p> <p>Saturated Fat Grams (g): _____</p> <p>Sugar grams (g): _____</p> <p>Trans Fat grams (g): _____</p>	<p>Date Received: _____</p> <p>Approved for Sale? YES NO</p> <p>Date: _____</p> <p>Signature: _____</p>
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Please mail this form along with a product specification sheet or a photocopy of the nutrition label and the front of the package to Jill Van Dyke/Nutrition Services/Winona via District mail. You will be informed via email if your food item has been approved for sale. This form will be returned to you as verification that your item has been approved. Please keep it on file should the state conduct an audit of your site.

Thank you for you cooperation,
 Jill Van Dyke, Director
 Nutrition Services
 566-1600 ext 1522