

**FOOD SERVICES**

Food services shall be made available to students and employees of the District. The food service operation shall be under the immediate management and direction of a competently trained person in the field, responsible to the Superintendent or designee. All rules and regulations regarding health authorities shall be strictly enforced, along with all rules and regulations of the U.S. Department of Agriculture and all other governmental agencies having jurisdiction.

**FOODS OF MINIMAL NUTRITIONAL VALUE (FMNV) COMPLIANCE**

**A.** All Schools shall assess how the school food service funds are being used, according to the following guidelines:

1. Purchases of foods of minimal nutritional value (FMNV) for service in the food service area during meal periods shall not be an allowable cost. ~~Minor quantities of FMNV (for decorating or garnishing) are allowable costs.~~
2. If food service funds are used to purchase FMNV for sale outside the meal period(s) or outside the food service area(s) during meal periods, then funds must be deposited in the food service account in a sufficient amount to cover all direct and indirect costs relating to the purchase and service of the FMNV. Records documenting the recovery of these costs must be maintained and available for review.

**B.** Elementary Campus Restrictions

1. An elementary school campus may not serve or provide access for students to FMNV at any time anywhere on school premises during the school day. For purposes of this policy, an elementary school campus is defined as any campus containing a combination of grades EE - 6. (Examples: EE, PK - 3, 5 - 6, and 6th grade centers.) Middle schools with grade levels including one grade in this range shall not be covered by this policy. (Example: A grade 6 – 8 middle school.)
2. Elementary schools shall prevent students from accessing FMNV on school premises. Such food and beverages may not be sold or given away on school premises by the school, school or non-school organizations, teachers, parents, or any other person or group during the school day.
3. Elementary students may be given FMNV or candy items during the school day for up to three different events each school year to be determined by school officials as part of school policy and included on the school calendar. These items may not be given during meal times in the areas where school meals are being served or consumed.

**C.** Junior High/Middle School Campus Restrictions

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1. A junior high/middle school campus shall not serve or provide access for students to FMNV anywhere on school premises ~~during meal periods (breakfast, lunch and snack)~~ until after the last lunch period ends. For purposes of this rule, a junior high/middle school campus is defined as any campus containing a combination of grades 6 - 8. High schools with grade levels including one grade in this range would not be covered by the policy. (Example: A high school with grades 8-12.)
  2. In addition, a junior high/middle school campus may not serve or provide access for students to prohibited carbonated beverages with volumes in excess of 12 ounces anywhere on school premises during the school day. This provision does not apply where existing contracts require the vending of larger volume containers. Contracts and contract renewals executed after ~~the effective date of this policy~~ March 03, 2004, shall expressly prohibit the sale of prohibited carbonated beverages in containers larger than 12 ounces.
  3. Junior high/middle school students may be given FMNV or candy items during the school day for up to three different events each school year to be determined by school officials as part of school policy and included on the school calendar. These items may not be given during meal times in the areas where school meals are being served or consumed.
- D. High Schools must properly designate the food service area for the purpose of restricting the service of FMNV.
1. The “food service area” shall be defined as any area on school premises where program meals (breakfast and lunches) are both served and eaten, as well as any areas in which program meals are either served or eaten. This includes “eating areas” that are completely separate from the “serving lines” such as hallways, outdoor commons, or the like.
  2. High Schools shall not design, or designate, their food service area in such a way as to encourage or facilitate the choice or purchase of FMNV as a ready substitute for, or in addition to, program meals.
  3. “Meal periods” shall be defined to include both the time of serving and the time the student spends eating the meal.
- E. High schools must prevent access to FMNV.
1. High schools must not serve or provide access to FMNV during meal service periods in the area(s) where reimbursable meals are served and/or eaten.

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- 2. High schools must price a reimbursable meal as a unit. FMNV provided with a reimbursable meal “at no additional charge” is in fact being sold as part of the meal and, therefore, violates the prohibition against selling FMNV in the food service area during meal periods.

F. **Birthday Parties: Celebrating student birthdays with a classroom party is a time-honored tradition that provides the opportunity for parental involvement in the education of their children, which is beneficial for students, parents and teachers. Foods otherwise restricted by the policy are permitted at student birthday parties. It is recommended such parties be scheduled after the end of the last lunch period so that these celebrations will not replace a nutritious lunch. Federal regulations do not permit foods of minimal nutritional value to be served in the food service area during meal periods.**

**PENALTIES FOR  
FMNV VIOLATION(S)**

The Texas Department of Agriculture (TDA) will aggressively enforce and diligently monitor this policy to ensure continued compliance. When violations of this policy are noted, the TDA will disallow all meal reimbursement for the day and require the school to reimburse the food service account for the lost reimbursement. The lost income suffered by food service must come from a source other than the school food service account. A documented corrective action plan will be required and will be diligently monitored to ensure continued compliance.

**COMPETITIVE FOODS**

~~A school and its school-related groups may raise funds on the campus through the sale of competitive foods to children a maximum of four (4) days per year. Competitive foods are any food items sold in competition with the School Breakfast Program (SBP), the National School Lunch Program (NSLP), or the After-School Snack Program. Foods are considered to be in competition with these programs whenever their sale encourages or facilitates the choice or purchase of these foods as a ready substitute for, or in addition to, program meals.~~

Competitive Foods, as defined by TDA, are foods and beverages sold or made available to students that compete with the school’s operation of the National School Lunch Program, School Breakfast Program and/or After School Snack Program. This definition includes, but is not limited to, food and beverages sold or provided in vending machines, in school stores or as part of school fundraisers. School fundraisers include food sold by school administrators or staff (principals, coaches, teachers, etc.), students or student groups, parents or parent groups, or any other person, company or organization.

~~Schools may not design, or designate, their food service area in such a way as to encourage children to select competitive foods as a substitute for, or in addition to, program meals.~~

- 1. An elementary school campus may not serve competitive foods (or provide access to them through direct or indirect sales) to

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students anywhere on school premises throughout the school day until the end of the last scheduled class. This does not pertain to food items made available by the school food service department.

2. A middle or junior high school campus may not serve competitive foods (or provide access to them through direct or indirect sales) to students anywhere on school premises during meal periods. This does not pertain to food items made available by the school food service department. The competitive foods included in this policy do not include FMNV, which are not allowed until after the last lunch period.
3. High schools may not serve or provide access to competitive foods during meal periods in areas where reimbursable meals are served and/or consumed. This does not pertain to food items made available by the school food service department.
4. All competitive foods sold or provided to students must meet the nutrition standards listed in the TDA Public School Nutrition Policy.

**A LA CARTE SERVICE  
PROVIDED BY A  
COMMERCIAL FOOD  
ESTABLISHMENT**

A school or school district is prohibited by federal regulations from contracting with a food service management company (or commercial enterprise) to operate an a la carte food service unless the company agrees to offer free, reduced-price and paid meals to all eligible children. This rule applies regardless of whether the commercial food service is operated in the cafeteria or in other campus locations.

**UNLICENSED  
WHOLESALE FOOD  
DISTRIBUTORS**

Texas Department of Health (TDH) regulations prohibit a school or school district from selling food received from unlicensed food suppliers.

A "retail" license does not preempt the requirement for a company to have a "wholesale foods" license if they sell food to a school. A food wholesaler is a firm that sells a food product to an intermediary (the school, PTO, booster club, etc.) which then sells the product to the final consumer (students and/or staff).

Any firm that is selling food to a school must possess a current license with the Manufactured Foods Division of the Texas Department of Health. If the firm cannot show proof of an appropriate license or proof of exemption from licensing, they are not an approved source of food in the State of Texas.