

POLICY EFE

Related Entries: IHAMD, IHAMD-R, JJJ, JJJ-R
Responsible Office: Chief Financial Officer/Deputy Superintendent of Operations

COMPETITIVE FOOD SALES & VENDING MACHINES

I. PURPOSE

The purpose of Policy EFE is to ensure that food items sold in competition with, or in addition to, LCPS school meals meet requirements as established by district, state or federal regulation.

II. BACKGROUND

- A. It is the intent of the Board of Education to nurture children by providing healthy school meals that follow state and federal guidelines. Therefore, it is prudent for the school district to monitor and regulate other beverages and foods sold in schools or on school property that may be in conflict with the school meal program.
- B. Furthermore, fundraisers conducted by schools that involve the sale of beverages or food should benefit a school or school organization but should not be in direct competition to the district's meal service or any of the district's existing exclusive marketing agreements.
- C. Outside vendors that sell beverages and food products will be accommodated on school campuses but shall offer healthy-choice items and items shall be distributed at times that do not conflict with school meal programs.

III. DEFINITIONS

- 1. *"Fundraising"* means beverage or food products sold to raise money that are not sold in vending machines, a la carte sales, or part of the USDA school meal programs.
- 2. *"Normal school hours"* means from midnight before a school day to 30 minutes after the end of the official school day, as defined by the USDA.
- 3. *"USDA"* means United States Department of Agriculture.
- 4. *"Vending"* means beverages and food products sold in vending machines to students in schools.

IV. PROCESS

- A. Vending Machines

1. Parameters for allowable foods and beverages that can be sold in vending machines are outlined for all schools in USDA Smart Snacks state code [6.12.5.8 NMAC].
2. Vending contracts and exclusive marketing agreements with Las Cruces Public Schools shall be administered through the LCPS Purchasing Department.
 - a. Contracts shall include provisions as to the hours that vending machine products are available for student purchase and hours that machines will be turned off due to energy conservation.
 - b. Vending contracts shall specify clear expectations for machine placement and use, revenues donated to the school or school district and products that are to be available for sale.

B. Fundraising During School Hours

1. School-sponsored fundraisers that take place during normal school hours include, but are not limited to, school stores, classroom food sales, and club sales. Such fundraisers shall meet the guidelines set forth in USDA regulations and LCPS Policy JLJ, Student Nutrition.
2. Parameters for allowable foods and beverages that can be sold as fundraisers are outlined for all schools [6.12.5.8 NMAC]. See section IV. A.1.
3. No foods or beverages may be sold during the lunch period except by the LCPS Nutrition Services Department.
4. All organizations, clubs, classes, and teachers planning to sell food during the school day must attend a district-level training during the year that the fundraiser is to be held and sign an annual memorandum of understanding.
5. School staff, organizations, and clubs are encouraged to explore non-food fund raising.

C. Fundraising Before and After School Hours

1. The Nutrition Services Department shall notify schools what parameters and any restrictions that apply to school-sponsored fundraisers before or after school hours that involve beverages or food.
2. Guidelines for foods and beverages sold outside of the normal school hours are the same for all school levels and require that at least 50% of the offerings, at the fundraiser, meet the guidelines for food and beverage sold during school hours.
3. Vendors seeking fundraising opportunities with Las Cruces Public Schools must adhere to the guidelines within the Notice to Vendors issued by the LCPS Purchasing Department.

4. All organizations, clubs, classes, or teachers planning to sell food for fundraising after normal school hours must attend a district level training during the year of the fundraiser and must sign a memorandum of understanding on an annual basis.

D. Vending Trucks

1. Private, non-school vending trucks cannot sell during school lunch time on LCPS property. Outside of the school lunch period, they can only be on school grounds with permission of the school principal or the Superintendent and his/her designee. If parked on school grounds, vending trucks can only sell foods or beverages that comply with the Student Nutrition Regulation (JLJ-R) Food Sales Rule Grid.
2. The Superintendent, and/or designee, shall collaborate with the City of Las Cruces which regulates the parking of vending trucks/vehicles near school properties and ensures food licenses/permits are current and properly displayed.
3. The Superintendent and/or his/her designee shall strongly urge private owners of vending trucks to:
 - a. not park in an area that would endanger students (i.e., on a street with excessive traffic, etc.);
 - b. offer food items that would mirror the district's healthy-eating standards.

V. REVIEW

This regulation shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

Maria A. Flores

*Maria Flores, President
Las Cruces Board of Education*

June 20, 2017

Date Approved

History: New Policy, 02.16.16; revised 06.20.17

Legal Reference: 6.12.5.8 NMAC; Richard B. Russell National School Lunch Act; Child Nutrition Act