

## **Operational Services**

### **Administrative Procedure - Food Services; Competitive Foods; Exemptions**

This procedure applies only to schools that participate in federal meal reimbursement programs (7 C.F.R. Part 210; 23 Ill.Admin.Code Part 305). They are *participating schools*.

All food and beverages sold to students on the school campuses of participating schools during the school day must comply with the “general nutrition standards for competitive foods” specified in 7 C.F.R. §210.11, unless they are exempted by 23 Ill. Admin.Code §305.15(a).

#### **Definitions**

*Competitive foods* are all food and beverages that are offered by any person, organization or entity for sale to students on the school campus during the school day that are not reimbursed under programs authorized by federal law (7 C.F.R. §210.11(a)(2); 23 Ill. Admin.Code §305.5). Competitive foods do not include foods offered during after-school athletics or extracurricular events, or weekend events. *School campus* means all areas of the property under the jurisdiction of the participating school that are accessible to students during the school day (23 Ill.Admin.Code §305.5). *School day* means the period of time from midnight before the start of the official school day until 30 minutes after the end of the official school day (23 Ill.Admin.Code §305.5).

*Exempted fundraising day* (EFD) means a school day on which foods and/or beverage items not meeting the “general nutrition standards for competitive foods” may be sold to students on the school campus (7 C.F.R. §210.11 (b)(4); 23 Ill.Admin.Code §305.5).

#### **Competitive Foods**

Competitive foods and beverage items sold during the school day must meet the requirements listed at 7 C.F.R. §210.11 (c)-(m).

All revenue from the sale of competitive foods sold to students in the food service areas during meal periods shall accrue to the nonprofit school lunch program account (23 Ill.Admin.Code §305.15(e)).

#### **Exempted Fundraising Days**

EFD foods and/or beverages may not be sold in competition with school meals in the food service area during meal periods (7 C.F.R. §210.11 (b)(4)). In schools with grades 9-12, only 9 or fewer EFDs are allowed. In schools with grades 8 and below, EFDs are prohibited (23 Ill.Admin.Code §305.15(b)(1)-(3)).

To request an EFD, the Superintendent or designee for the participating school must be contacted. He or she will (1) explain the District’s process and criteria for reviewing and approving or denying an EFD request, and (2) provide any written documents to assist with the EFD request. The Superintendent or designee must maintain a list of all EFDs held and retain them for at least 3 years (7 C.F.R. 210.9(b)(17) and 23 Ill.Admin.Code §305.15(c)(3)).

LEGAL REF.:       42 U.S.C. §1779, 7 C.F.R. §210.11.  
                          23 Ill.Admin.Code Part 305, School Food Service.