

Existing Policy, Law and Regulation

NC STATE BOARD OF EDUCATION Policy # EEO-S-000

1. A la carte sales are limited to foods contributing to the nutritional well-being of the child and aiding in the establishment of good food habits. School food authorities and sponsoring organizations may provide these foods under the following conditions:
 - A. Sponsors must operate all food and beverage services during or before the established lunch period through the school food service department.
 - B. The school food service department retains all receipts from the sale of these items.
 - C. Sponsors must use all food service income for the purpose of the school's non-profit Child Nutrition Programs.
 - D. A la carte items may not include food of minimum nutritional value.
2. Competitive food sales by a school of extra food items in the lunchroom or its general environs must be on a non-profit basis. "On a non-profit basis" means that the sponsor deposits income from the sale of such food items to the account of the school's non-profit lunch and breakfast programs and uses the income solely for these programs.
 - A. The school may sell extra food items after the established lunch hour is over, only with the approval of the LEA. The established lunch hour is over when the last pupil has been served for the day.
 - B. The department may deny the opportunity to participate in the program to any school food authority that operates in violation of state policy.
Complete text available at: sbepolicy.dpi.state.nc.us/

NC GENERAL STATUTE 115C-264. Operation.

In the operation of their public school food programs, the public schools shall participate in the National School Lunch Program established by the federal government. The program shall be under the jurisdiction of the Division of School Food Services of the Department of Public Instruction and in accordance with federal guidelines as established by the Child Nutrition Division of the United States Department of Agriculture.

Each school may, with the approval of the local board of education, sell soft drinks to students so long as soft drinks are not sold (i) during the lunch period, (ii) at elementary schools, or (iii) contrary to the requirements of the National School Lunch Program.

Complete text available at:

www.ncga.state.nc.us/Statutes/Statutes.asp

US CODE OF FEDERAL REGULATION Sec. 210.11

Competitive foods means any foods sold in competition with the Program to children in food service areas during the lunch periods. State agencies and school food authorities shall establish such rules or regulations as are necessary to control the sale of foods in competition with lunches served under the Program. Such rules or regulations shall prohibit the sale of foods of minimal nutritional value.

Complete text available at: www.access.gpo.gov/nara/cfr/waisidx_04/7cfr210_04.html

US CODE OF FEDERAL REGULATION Sec. 220.12

Competitive food services. State agencies and School Food Authorities shall establish such rules or regulations as are necessary to control the sale of foods in competition with breakfasts served under the Program. Such rules or regulations shall prohibit the sale of foods of minimal nutritional value, as listed in appendix B of this part, in the food service areas during the breakfast periods.

Complete text available at: www.access.gpo.gov/nara/cfr/waisidx_04/7cfr220_04.html