

## BUSINESS AND NONINSTRUCTIONAL OPERATIONS

**School Lunch – Sale of Food Items R 4-71****A. State Board Regulation**

The sale of food items in school during the lunch and breakfast periods shall be limited to those items recognized as being components of the school lunch program's Type A lunch and breakfast; and the income from the sale of those items shall accrue to the school lunch account.

The following provisions shall apply in implementing this regulation:

1. "Food items" covers both food and drink.
2. "Lunch period" is the time from the beginning of the first lunch period through the end of the last lunch period. Breakfast period is the time from the beginning of breakfast through the end of breakfast.
3. This regulation does not prohibit the sale of a la carte items. It does limit the a la carte items to those which can be served as part of the Type A lunch and breakfast such as sandwiches, soup, salads, fruit, fruit juice, desserts, and chocolate milk. A review of the past Type A menus will provide guidance for a la carte items.
4. All income from sale of food items during the lunch period in the lunchroom or other locations in the building shall accrue to the school lunch account.
5. It is strongly recommended that food items sold in high school at times other than the lunch period be of recognized nutritional value.

**B. School Division Regulation**

The following items cannot be sold to students on school premises (all areas of the school) from the beginning of the school day until after the close of the last lunch period:

1. Chewing Gum
2. Certain Candies
  - a. Hard Candy
  - b. Jellies and Gum Candies
  - c. Marshmallow Candies
  - d. Fondant
  - e. Licorice
  - f. Spun Candy
  - g. Candy Coated Popcorn

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3. Water Ices
4. Soda Water (carbonated beverages)

The prohibition applies only to students. This regulation does not prohibit the sale of these items to employees when in areas only for employees.

Regulatory Authority: (1985) See Editor's Note.

Virginia State Board of Education Regulation, "School Lunch, Sale of Food Items." (1980)

U.S. Department of Agriculture Rules and Regulations, "National School Lunch Program and School Breakfast Program - Competitive Foods." (May 17, 1985 effective June 17, 1985)

Editor's Note This final rule amends the regulations for the National School Lunch Program and the School Breakfast Program to implement the decision by the U.S. Court of Appeals for the District of Columbia Circuit in the case of National Soft Drink Association v. Block, et al., respecting the sale of foods of minimal nutritional value in schools participating in these programs. The court found that the Department had exceeded its rule making authority when it promulgated the "time and place" regulations restricting the sale of foods of minimal nutritional value throughout the school from the beginning of the school day until after the end of the last food service period. Therefore, in this final rule the Department amends the regulations to control the sale of competitive foods and foods of minimal nutritional value only during breakfast and lunch periods in food service areas. In other words, restrictions on foods sold on premises outside the food service area may now be imposed at State or local discretion, but are no longer imposed by the Department.

Approved by School Board: August 4, 1981  
Revised by School Board: September 3, 1985