

McFarland Unified School District's Wellness Policies on Physical Activity and Nutrition

The Governing board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education, health services, nutrition services, and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

Goals

Thus, the McFarland Unified School District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the McFarland Unified School District that:

- The school district will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies.
- All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- Foods and beverages sold or served at school will meet the nutrition recommendations of the U.S. Dietary Guidelines for Americans.
- Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate, to the extent feasible, the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
- To the maximum extent practicable, all schools in our district will participate in available federal school meal programs (including the School Breakfast Program, National School Lunch Program [including after-school snacks], Summer Food
- Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

TO ACHIEVE THESE POLICY GOALS:

I. MUSD Wellness Committee

The MUSD Wellness Committee will develop, implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies. The council will also serve as a resource to school sites for implementing those policies. To develop this policy, the Council will include parents, students, and representatives of the school food authority, members of the school board, school administrators, teachers, health professionals, and members of the public. Implementation will be coordinated with School Site Councils and support groups. In the future, the MUSD Wellness Committee will review and recommend policies to address the eight components of school health. (Appendix A)

II. Nutritional Quality of Foods and Beverages Sold and Served on Campus

School Meals

Meals served through the National School Lunch and Breakfast Programs will:

- be appealing and attractive to children;
- be served in clean and pleasant settings;
- meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;
- offer a variety of fruits and vegetables;
- serve only low-fat (1%) and fat-free milk and nutritionally-equivalent non-dairy alternatives (to be defined by USDA); and
- ensure that half of the served grains are whole grain, by the 07-08 school year.

Schools should engage students and parents, through taste-tests of new entrees and surveys, in selecting foods sold through the school meal programs in order to identify new, healthful, and appealing food choices. In addition, schools should share information about the nutritional content of meals with parents and students. Such information could be made available on menus, a website, on cafeteria menu boards, placards, or other point-of-purchase materials.

1. To the extent possible, schools will offer at least two non-fried vegetable and two fruit options each day and will offer five different fruits and five different vegetables over the course of a week. Schools are encouraged to source fresh fruits and vegetables from local farmers when practicable.
2. As recommended by the Dietary Guidelines for Americans 2005.

3. A whole grain is one labeled as a “whole” grain product or with a whole grain listed as the primary grain ingredient in the ingredient statement. Examples include “whole” wheat flour, cracked wheat, brown rice, and oatmeal.

Breakfast. To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- Schools will, to the extent possible, operate the School Breakfast Program.
- Schools will, to the extent possible, arrange bus schedules and utilize methods to serve school breakfasts that encourage participation, including serving breakfast “grab-and-go” breakfast, or breakfast during morning break or recess.
- Schools that serve breakfast to students will notify parents and students of the availability of the School Breakfast Program.
- Schools will encourage parents to provide a healthy breakfast for their children through newsletter articles, take-home materials, or other means.

Free and Reduced-priced Meals. Schools will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals⁴. Toward this end, schools may utilize electronic identification and payment systems; provide meals at no charge to all children, regardless of income; promote the availability of school meals to all students; and/or use nontraditional methods for serving school meals, such as “grab-and-go.”

Meal Times and Scheduling. Schools:

- will provide students with at least 10 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch;
- should attempt to schedule meal periods at appropriate times, i.e., lunch should be scheduled between 10 a.m. and 1 p.m.;
- elementary schools may consider scheduling lunches after recess periods, so the students play first, then eat.
- will provide students access to hand washing, preferably with warm water, or hand sanitizing before they eat meals or snacks;

Qualifications of School Food Service Staff. Qualified nutrition professionals will administer the school meal programs. As part of the school district’s responsibility to operate a food service program, we will provide continuing professional development for all nutrition professionals in schools. Staff development programs should include appropriate certification and/or training programs for child

nutrition directors, school nutrition managers, and cafeteria workers, according to their levels of responsibility.

4 It is against the law to make others in the cafeteria aware of the eligibility status of children for free, reduced-price, or "paid" meals.

5 School nutrition staff development programs are available through the USDA, School Nutrition Association, and National Food Service Management Institute.

Sharing of Foods and Beverages. Schools should discourage students from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children's diets.

Elementary Schools. The school food service director or his/her designee will approve all food and beverage sales to students in elementary schools, one half hour before school until one half hour after school, according to the (Appendix B Guidelines). Given young children's limited nutrition skills, food in elementary schools should be sold as balanced meals. If available, foods and beverages sold individually should be limited to low-fat and non-fat milk, fruits, and non-fried vegetables. Food sales may not legally compete with the school food service program.

Middle/Junior High and High Schools. The school food services director or his/her designee will approve all food sales in middle/junior high and high schools. All foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, student stores, or fundraising activities), one half hour before school until one half hour after school, and after school programs, will meet the nutrition and portion size standards according to (Appendix B Guidelines):

Fundraising Activities.

To support children's health and school nutrition-education efforts, school fundraising activities will not involve food or will use only foods that meet the above nutrition and portion size standards for foods and beverages sold individually (Appendix B Guidelines). Schools will encourage fundraising activities that promote physical activity. The school district will make available a list of ideas for acceptable fundraising activities.

Snacks.

Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations. The district will disseminate a list of healthful snack items to teachers, after-school program personnel, and parents. (Appendix C)

- If eligible, schools that provide snacks through after-school programs will pursue receiving reimbursements through the National School Lunch Program.

Rewards.

If schools choose to use food or beverages as part of a reward for academic performance or good behavior, those foods or beverages must meet the nutrition standards described above. Schools will not withhold food or beverages (including food served through school meals) as a punishment.

Celebrations.

Schools should limit celebrations that involve food during the school day to no more than one party per class per month. Any food item must be store bought, and not prepared at home

School-sponsored Events (such as, but not limited to, athletic events, dances, or performances). The district encourages that foods and beverages offered or sold at school-sponsored events outside the school day meet the nutrition standards for meals or for foods and beverages sold individually (above), since these standards reflect our commitment to health and wellness.

III. Nutrition and Physical Activity Promotion and Food Marketing

Nutrition Education and Promotion.

McFarland Unified School District aims to teach, encourage, and support healthy eating by students. Schools should provide nutrition education and engage in nutrition promotion that:

- is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
- promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);

- links with school meal programs, other school foods, and nutrition-related community services;
- teaches media literacy with an emphasis on food marketing; and
- includes training for teachers and other staff.

Integrating Physical Activity into the Classroom Setting.

For students to receive the nationally-recommended amount of daily physical activity (i.e., at least 60 minutes per day) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond physical education class. Toward that end:

- Classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television;
- opportunities for physical activity will be incorporated into other subject lessons; and
- classroom teachers will be encouraged to provide short physical activity breaks between lessons or classes, as appropriate.

Communications with Parents.

With help from the Wellness Committee, the district/school will support parents' efforts to provide a healthy diet and daily physical activity for their children. The district/school will offer healthy eating seminars for parents, send home nutrition information, post nutrition tips on school websites, and provide nutrient analyses of school menus. Schools should encourage parents to pack healthy lunches and snacks and to refrain from including beverages and foods that do not meet the above nutrition standards for individual foods and beverages. In addition, the district/school will provide opportunities for parents to share their healthy food practices with others in the school community.

The district/school will provide information about physical education and other school-based physical activity opportunities before, during, and after the school day as well as support parents' efforts to provide their children with opportunities to be physically active outside of school. Such supports will include sharing information about physical activity and physical education through take-home materials

Food Marketing in Schools.

School-based marketing will be consistent with nutrition education and health promotion. As such, schools will limit food and beverage marketing to the promotion of foods and beverages that meet the nutrition standards for meals or for foods and beverages sold individually (above). School-based

marketing of brands promoting predominantly low-nutrition foods and beverages is prohibited. The promotion of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products is encouraged. Vending machines; sales of fruit for fundraisers.

Staff Wellness.

McFarland Unified School District highly values the health and well-being of every staff member. As resources allow, the District will plan and implement activities and policies that support personal efforts by staff to maintain a healthy lifestyle. The district will establish and maintain a staff wellness committee composed of at least one staff member. The school district will engage students, parents, teachers, food service professionals, health professionals, and other interested community members; the committee should research funding opportunities (e.g. mini grants), develop, promote, and oversee a multifaceted plan to promote staff health and wellness. The plan should be based on input solicited from school staff and should outline ways to encourage healthy eating, physical activity, and other elements of a healthy lifestyle among school staff. The staff wellness committee should distribute its plan to the school health council annually.

9 Advertising of low-nutrition foods and beverages is permitted in supplementary classroom and library materials, such as newspapers, magazines, the Internet, and similar media, when such materials are used in a class lesson or activity, or as a research tool.

10 Schools should not permit general brand marketing for food brands under which more than half of the foods or beverages do not meet the nutrition standards for foods sold individually or the meals are not consistent with school meal nutrition standards.

IV. Physical Activity Opportunities and Physical Education

Daily Physical Education (P.E.) K-12.

All students in grades K-12, including students with disabilities, special health-care needs, and in alternative educational settings, will receive daily physical education (or its equivalent of 200 minutes every two weeks for elementary school students and 400 minutes every two weeks for middle and high school students) for the entire school year. Students will spend as much time as possible in physical education participating in moderate to vigorous physical activity, consistent with the California Physical Education Standards. Implementation will be monitored by site administration.

Daily Recess.

All elementary school students will have at least 20 minutes a day of supervised recess, preferably outdoors, during which schools should encourage moderate to vigorous physical activity verbally and through the provision of space and equipment. Schools should discourage extended periods (i.e.,

periods of two or more hours) of inactivity. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, schools should give students periodic breaks during which they are encouraged to stand and be moderately active.

Physical Activity Opportunities Before and After School.

In collaboration with recreation districts, to the extent possible, all elementary, middle, and high schools will offer extracurricular physical activity programs. All high schools, and middle schools as appropriate, will offer interscholastic sports programs. Schools will offer a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs

Safe Routes to School.

The school district will assess and, if necessary and to the extent possible, identify needed improvements to make it safer and easier for students to walk and bike to school. When appropriate, the district will work together with local public works, public safety, and/or police departments in those efforts. The school district will explore the availability of federal “safe routes to school” funds, administered by the state department of transportation, to finance such improvements.

V. Monitoring and Policy Review

Monitoring.

The superintendent or designee will ensure compliance with established district-wide nutrition and physical activity wellness policies. In each school, the principal or designee will ensure compliance with those policies in his/her school and will report on the school’s compliance to the school district superintendent or designee.

School food service staff, at the school or district level, will ensure compliance with nutrition policies within school food service areas and will report on this matter to the superintendent (or if done at the school level, to the school principal). In addition, the school district will report on the most recent USDA School Meals Initiative (SMI) review findings and any resulting changes.

The Wellness Committee will meet annually to discuss the compliance of the district established nutrition and physical activity wellness policies.

An assessment will be completed every three years to help review policy compliance, assess progress, and determine areas in need of improvement. As part of that review, the Wellness Committee will

review our nutrition and physical activity policies; provide an environment that supports healthy eating and physical activity; and develop nutrition and physical education policies and program elements. The district, and individual schools within the district, will, as necessary, revise the wellness policies and develop work plans to facilitate their implementation. The Wellness Committee will be an active participant in this process.

Useful self-assessment and planning tools include the School Health Index from the Centers for Disease Control and Prevention (CDC), changing the Scene from the Team Nutrition Program of the U.S. Department of Agriculture (USDA), and Opportunity to Learn Standards for Elementary, Middle, and High School Physical Education from the National Association for Sport and Physical Education.

APPENDIX A

The 8 Components of Coordinated School Health

The coordinated school health approach embraces the link between health and education. It contains eight essential components with the ultimate goal being to fulfill young people's over-all health* needs so that students can be in the classroom and learning.

The eight-component model involves the entire school system, home and community working in a coordinated way to support the health of young people in a school setting and to eliminate duplication and gaps. Resources and energy are strengthened in this coordinated, concentrated effort.

The result is a cohesive team that has a sum greater than its parts, working to benefit the health and well-being of students.

*The term "health" is used in the broadest sense. Health is much more than simply the absence of disease; health involves optimal physical, mental, social and emotional functioning and well-being.

-- -- World Health Organization, 1996

Health Services

Preventive services, education, emergency care, referral and management of Acute and chronic health conditions to ensure health of students

Health Education

Classroom instruction that addresses the physical, mental, emotional and social dimensions of health.

Family and Community Involvement

Partnerships among schools, parents and community groups to maximize resources and expertise in supporting the health of young people.

Healthy School Environment

The school's physical, emotional and social climate, providing a safe physical plant and a healthy, supportive environment for learning.

Physical Education

School-based instructional program that provides students with the skills, knowledge, attitudes and confidence to be physically active for life.

Nutrition Services

Reinforcement of classroom-based nutrition education, promotion of healthy eating behaviors and integration of nutritious, affordable and appealing meals.

Health Promotion For Staff

Assessment, education and wellness activities for school faculty and staff.

Psychological And Counseling Services

Activities that focus on cognitive, emotional, behavioral and social needs in the school and home.

School Health Connections. California Department of Health Services

(916)653-7746

www.dhs.ca.gov/schoolhealth

APPENDIX B

Competitive Food and Beverages Sales in Schools

Revised 2010

Definitions:

Elementary School = A public school maintaining any grade from kindergarten to grade 6, inclusive, but no grade higher than grade 6.

Middle School = Any public school maintaining grades 7 or 8, 7 to 9, inclusive, or 7 to 10, inclusive.

High School = Any public school maintaining any of grades 10 to 12, inclusive.

Full Meal = Any combination of food items that meet USDA-approved reimbursable meal pattern requirements.

Sold = The exchange of food for money, coupons, or vouchers.

Entrée = A food that is generally regarded as being the primary food in a meal, and shall include, but not be limited to, sandwiches, burritos, pasta, and pizza.

Snack = A food that is generally regarded as supplementing a meal, including, but not limited to, chips, crackers, onion rings, nachos, French fries, donuts, cookies, pastries, cinnamon rolls, and candy.

Elementary School - Food Restrictions

References: Education Code sections 49430, 49431, 49431.7, California Code of Regulations sections 15575, 15577, 15578

California has adopted nutrition requirements for the competitive foods and beverages provided on school campus.

When referring to the food restrictions below, the definition of elementary school is a public school with no grade higher than grade six.

The following food restrictions are effective during school hours up through one-half hour after school.

Food restrictions apply to ALL foods sold to students by any entity.

Compliant foods are those that are:

1. Part of a full meal that meets the U.S. Department of Agriculture's meal pattern requirements
2. Specifically exempted from the restrictions in law or regulations, which includes individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, non-fried vegetables, legumes
3. A dairy or whole grain food that contains:
 - o 35 percent calories or less from fat, and
 - o 10 percent calories or less from saturated fat, and
 - o 35 percent sugar or less by weight

Dried blueberries, cranberries, cherries, and tropical fruit that contain added sugar are exempt from the fat, saturated fat and sugar restrictions. The remaining exempt foods in item 2 above are not exempt if they contain added fat or sugar.

A whole grain item is a grain or bread product that:

1. Contains the statement "Diets rich in whole grain foods and other plant foods and low in total fat, saturated fat, and cholesterol, may help reduce the risk of heart disease and certain cancers," or
2. Includes a whole grain as the FIRST listed grain ingredient, or
3. Includes an amount of whole grains that, when combined, represents at least 51 percent of total grain weight Whole grain examples: California Code of Regulations, section 15575(g)

Effective July 1, 2009: Foods containing artificial trans fat cannot be served or sold on school campus.

Non-compliant foods can be sold ONLY by students and AT LEAST one-half hour after school.

Elementary School - Beverage Restrictions

References: Education Code sections 49430, 49431.5, California Code of Regulations Section 15576

When referring to the beverage restrictions below, the definition of elementary school is a public school with no grade higher than grade six.

The following beverage restrictions are effective during school hours up through one-half hour after school.

These beverage restrictions apply to ALL beverages sold to students by any entity.

Compliant beverages are:

- Fruit/vegetable juices that consist of at least 50 percent juice AND have no added sweeteners, or
- Milk: cow's or goat's milk; 2 percent, 1 percent, or nonfat; contains Vitamins A & D; contains at least 25 percent of the Daily Value (% DV) for calcium; contains no more than 28 grams of total sugar per 8 fluid ounces; or
- Non-dairy milk: contains Vitamins A & D; at least 25 percent of the Daily Value (% DV) for calcium; no more than 28 grams of total sugar per 8 fluid ounces; 5 grams fat or less per 8 fluid ounces; or
- Water: with no added sweeteners

Non-compliant beverages can be sold ONLY by students and AT LEAST one-half hour after school.

Elementary School - Student Organizations

Reference: California Code of Regulations Section 15500

Restrictions on food or beverage sales by student organizations are effective only during school hours.

The following rules apply ONLY to food and beverage sales by student organizations:

- Only one food or beverage item may be sold, and
- Sales must be approved by governing board of school district, and
- Sale must be after the lunch period, and
- Food or beverage item cannot be prepared on campus, and
- Only four sales per school per year, and
- Food or beverage item is not one that is sold in the food service program at that school during that school day.

Elementary School - Foods and Beverages Sold During a Meal Time

Reference: Code of Federal Regulations, Title 7, Part 210.11, Appendix B

These federal food and beverages restrictions, known as the Foods of Minimal Nutritional Value (FMNV), are effective ONLY during a meal period and ONLY in a food service area.

The following foods and beverages cannot be sold by any entity to a student during a meal period in a food service area:

- Carbonated or aerated water
- Water ices - except if made only with 100 percent juice
- Chewing gum
- Hard candies
- Jelly and gum candies
- Marshmallow candies
- Fondant
- Licorice
- Spun candy
- Candy coated popcorn

A food service area is any location on a school campus where a federally reimbursable meal is served and/or eaten.

A food categorized as a FMNV may be exempted from the federal restrictions.

A current list of FMNV exempt products can be found at Exemptions Under the Competitive Foods Regulation.

A FMNV-exempted food or beverage must still meet all other state and federal rules that apply.

Middle/High School - Food Restrictions

References: Education Code sections 49430, 49431.2, 49431.7, California Code of Regulations sections 15575, 15577, 15578

When referring to the food restrictions below, a middle/junior high contains grades seven or eight or seven to nine or seven to ten. A high school contains any of the grades ten to twelve.

The following food restrictions are effective during school hours up through one-half hour after school.*

These food restrictions apply to ALL foods sold to students by any entity.

4/26/2019

Foods that can be sold on the school campus outside the school meal program to students include:

1. "Snack" food items that contain no more than:

- o 35 percent of calories from fat, and
- o 10 percent of calories from saturated fat, and
- o 35 percent of sugar by weight, and
- o 250 calories per item/container

2. "Entrée" food items that contain no more than:

- o 400 calories, and
- o 4 grams of fat per 100 calories, and

Must either consist of:

- o Two or more food groups (meat/meat alternate, fruit/vegetable, grain/bread), or
- o A meat/meat alternate alone

3. Exemptions:

- o Nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, non-fried vegetables, legumes are exempt from the fat restriction.
- o Eggs and cheese packaged for individual sale are exempt from the saturated fat restriction.
- o Fruit and non-fried vegetables are exempt from the sugar restriction.
- o Dried blueberries, cranberries, cherries, and tropical fruit that contain added sugar are exempt from the sugar restriction.
- o Mixed foods containing ONLY exempt items are exempt from all restrictions.
- o Mixed foods containing at least one non-exempt food or ingredient must meet the nutrition restrictions set for either snacks or entrees.

Effective July 1, 2009: From one-half hour before to one-half hour after the school day, foods containing artificial trans-fat cannot be served or sold on school campus. A food contains artificial trans fat if it contains vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, unless the manufacturer's documentation or the label required on the food lists the total trans fat content as less than 0.5 grams of trans fat per serving.

* Exception: non-compliant foods can be sold at a school sponsored event that occurs directly after school.

Middle/High School - Beverage Restrictions

References: Education Code sections 49430, 49431.5, California Code of Regulations Section 15576

When referring to the beverage restrictions below, a middle/junior high contains grades seven or eight or seven to nine or seven to ten. A high school contains any of the grades ten to twelve.

The following beverage restrictions are effective from one-half hour before to one-half hour after school.

These beverage restrictions apply to ALL beverages sold to students by any entity.

Beverages that can be sold outside the school meal program to students include:

- Fruit/vegetable juices that consist of at least 50 percent juice AND have no added sweeteners, or
- Milk: cow's or goat's milk; 2 percent, 1 percent, or nonfat; contains Vitamins A & D; contains at least 25 percent of the Daily Value (% DV) for calcium; contains no more than 28 grams of total sugar per 8 fluid ounces; or
- Non-dairy milk: contains Vitamins A & D; at least 25 percent of the Daily Value (% DV) for calcium; no more than 28 grams of total sugar per 8 fluid ounces; 5 grams fat or less per 8 fluid ounces; or
- Water: with no added sweeteners, or
- Electrolyte replacement beverage: water is the first ingredient; no more than 2.1 grams added sweetener per 1 fluid ounce; between 10 and 150 milligrams of sodium per 8 fluid ounces; between 10 and 90 milligrams of potassium per 8 fluid ounces; and no added caffeine

Non-compliant beverages can be sold by any entity starting one-half hour after school.

Middle/High School - Student Organizations

Reference: California Code of Regulations Section 15501

Food and beverage sales by student organizations are effective during or after school hours.

The following rules apply ONLY to food and beverage sales by student organizations:

- Only three categories of food or beverage item may be sold (e.g., chips, sandwiches, juices, etc.), and
- Sales must be approved by governing board of school district, and

- Only one student organization is allowed to sell per day, and
- On any four days any and all student organizations can sell, and
- Food or beverage item cannot be prepared on campus, and
- Food or beverage categories are not ones that are sold in the food service program at that school during that school day.

Middle/High School - Foods and Beverages Sold During a Meal Time

Reference: Code of Federal Regulations, Title 7, Part 210.11, Appendix B

These federal food and beverages restrictions, known as the Foods of Minimal Nutritional Value (FMNV), are effective **ONLY** during a meal period and **ONLY** in a food service area.

The following foods and beverages cannot be sold by any entity to a student during a meal period in a food service area:

- Carbonated or aerated water
- Water ices – except if made only with 100 percent juice
- Chewing gum
- Hard candies
- Jelly and gum candies
- Marshmallow candies
- Fondant
- Licorice
- Spun candy
- Candy coated popcorn

A food service area is any location on a school campus where a federally reimbursable meal is served and/or eaten.

A food categorized as a FMNV may be exempted from the federal restrictions. A current list of FMNV exempt products can be found at Exemptions Under the Competitive Foods Regulation.

A FMNV-exempted food or beverage must still meet all other state and federal rules that apply.

APPENDIX C

Exemptions Under the Competitive Foods Regulation

Products identified by the United States Department of Agriculture (USDA) that are not considered to be foods of minimal nutrition value (FMNV) and can, therefore, be sold during the meal period in a school food service area.

The products in the list below are not considered to be foods of minimal nutrition value (FMNV) and can, therefore, be sold during the meal period in a school food service area pursuant to federal regulations. This does not mean that these products are approved or endorsed either by the United States Department of Agriculture (USDA) or the California Department of Education (CDE). Nor does an exemption indicate that these products have significant nutritional value. In addition, the exemptions should not be perceived as guidance or encouragement concerning their possible purchase.

The list does not reflect any such exemption from California state law, e.g., Senate Bills 12, 965, and 490 – Education Code sections 49431, 49431.2, 49431.5, and 49431.7. While the products listed below are exempted under the federal FMNV regulations, many may not be compliant with Senate Bills 12, 965, or 490.

Please also be aware that several companies with exempted foods or beverages produce similar products that are not exempted. Some products previously exempted have been removed while new products have been added. Therefore, the following list contains the most up-to-date list of exempted foods and beverages under the federal FMNV regulations.

USDA List of FMNV Exemptions (Updated Jan-2011, PDF; 373KB; 30pp.) [USDA list of FMNV exemptions updated October 22, 2010.](#)

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at the [Filing a Program Discrimination Complaint as a USDA Customer page](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call 866-632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: 202-690-7442; or

(3) email: program.intake@usda.gov

This institution is an equal opportunity provider.

Questions: Heather Sashington | hsashington@cde.ca.gov | 916-322-2135

Last Reviewed: Monday, December 31, 2018

This institution is an equal opportunity provider.

Esta institución es un proveedor que ofrece igualdad de oportunidades.