

Nutritious Food Choices

At every possible eating occasion, students will have opportunities to practice what they are taught in nutrition education and choose nutritious snacks that are low in fat, sodium and added sugars.

Schools are encouraged to take steps to ensure:

- nutritious foods are always available as an affordable option whenever food is served or sold;
- students have limited opportunities to eat snacks high in fat, sodium or added sugars; and
- competition with nutritious meals served by the school food service program is minimized.

The emphasis on healthy choices applies to:

- a la carte items (separate food choices) offered by the food service program;
- "competitive foods" which are snacks and beverages sold from vending machines, school stores and fund-raising activities that compete with the food service program; and
- refreshments that are available at school parties, celebrations and meetings.

Each beverage offered for sale to students from any source, including the school cafeteria, vending machines, school stores and fund-raising activities conducted on school grounds, shall satisfy the minimum nutritional standards for beverages adopted by the State Board of Education. This applies to beverages sold on campus during the regular school day and extended school day, including but not limited to before and after school activities such as clubs, year book, band, student government, drama and childcare/latchkey programs.

The State Board's nutritional standards for beverages shall not apply to the sale of beverages at school-related events where parents and other adults are a significant part of the audience. Such activities include but are not limited to interscholastic sporting events, school plays and band concerts

Adoption date: November 11, 2008

LEGAL REFS.: C.R.S. 22-32-134.5 (*healthy beverage requirement*)

C.R.S. 22-32-136.3 (trans fat ban)

1 CCR 301-79 (State Board of Education – healthy beverages rules)

NOTE 1: All schools participating in the School Breakfast and/or National School Lunch program(s) must also comply with any federal rules or regulations regarding competitive food service or the service of Foods of Minimal Nutritional Value, as defined by USDA. Schools that participate in these federal programs must prohibit the sale of foods in the categories of minimal nutritional value in food service areas during designated meal periods.

NOTE 2: The requirement for healthy beverages applies to contracts with vendors entered into or renewed by the school district on or after July 1, 2009.

NOTE 3: The State Board of Education's healthy beverages rules provide, "To the greatest extent possible beverage products should be Colorado produced products." 1 CCR 301-79, Rule 3.05.

NOTE 4: USDA guidelines require schools participating in the National School Lunch Program to eliminate trans fats from lunches beginning in the 2012-13 school year and from breakfasts in the 2013-14 school year. Beginning September 1, 2013, state law prohibits schools from "making available" to students any food or beverage that contains any amount of industrially produced trans fat. C.R.S. 22-32-136.3(2). The trans fat ban applies to all food and beverages made available to students on school grounds during the school day and extended school day and includes items sold through the school cafeteria, school store or vending machines located on school grounds. C.R.S. 22-32-136.3(3). However, if the food or beverage sold through the cafeteria, store or vending machine is part of school fundraising efforts conducted by one or more students, teachers or parents, the trans fat ban does not apply. C.R.S. 22-32-136.3(4). The law also exempts items donated to the school that are given to students for consumption off school grounds and not during the school day. Id.

*NOTE 5: The USDA's interim final rule, "Smart Snacks in School" became effective July 1, 2014. This rule outlines the nutrition standards for **all** foods sold in schools that participate in federal school meal programs under the National School Lunch Act and/or School Breakfast Act. The "Smart Snacks in School" standards do not apply to: (1) items sold during non-school hours, weekends or off-campus fundraising events; (2) foods brought from home for personal consumption; and/or (3) fundraiser foods not intended for consumption during the school day. A special exemption from this rule is permitted for "infrequent, school-sponsored fundraisers," as determined by each state. The Colorado Department of Education (CDE) set this number at **three exemptions per school** for the 2014-15 school year. For more information on the "Smart Snacks in School" interim final rule, visit CDE's Office of School Nutrition webpage or the USDA's Food and Nutrition Services webpage.*

[Legal revised December 2014]

