

Food Service Facts Table of Contents

20. Nutrition Standards for Foods Sold in Schools

Standards for All Foods Sold in Schools.....	20-1
Competitive Foods	20-1
Foods of Minimal Nutritional Value (FMNV).....	20-1
Exemptions to FMNV	20-2

20. Nutrition Standards for Foods Sold in Schools

Standards for All Foods Sold in Schools

The Child Nutrition and WIC Reauthorization Act of 2004 required sponsors to implement local school wellness policies. KSDE developed a prototype local wellness policy in collaboration with a variety of stakeholders from across the state. Sponsors can adopt the prototype policy as provided or modify it to suit local needs. KSDE will continue to provide training and technical assistance on implementing local wellness policies.

Competitive Foods

- ◆ Sponsors must establish policies and procedures to control the sale of foods in competition with meals served under the National School Lunch and School Breakfast programs.
- ◆ Sponsors must prohibit private business enterprises from soliciting, selling, or delivering food or drink items on school property in competition with the nonprofit food service program.
- ◆ Proceeds from the sale of all competitive foods must accrue to the Food Service Fund, to the school, or to an approved student organization.

Foods of Minimal Nutritional Value (FMNV)

Federal regulations prohibit the sale or service of certain foods of minimal nutritional value (FMNV) in the food service area during meal periods. The food service area is where reimbursable meals are prepared, served and/or eaten. The meal period begins when the first student enters the food service area to eat breakfast or lunch, and ends when the last student leaves the food service area after eating breakfast or lunch.

Costs charged to the nonprofit school food service account must be both necessary and reasonable. The costs of FMNV purchased for service in the food service area during meal periods are neither necessary nor reasonable, so they are not allowed. In some circumstances, the cost of minor quantities of FMNV used to garnish or enhance a food or menu item is allowable. Any other costs of FMNV for service in the food service area during meal periods are not permitted.

If money from the sponsor's Food Service Fund is used to purchase FMNV for sale outside the meal period(s), money from another source must be deposited in the Food Service Fund in an amount sufficient to cover all direct and indirect costs relating to the purchase and service of FMNV. Records documenting the deposit of outside funds must be maintained and available for review or audit.

Federal regulations set a minimum standard for FMNV. However, a local sponsor may impose additional restrictions on the sale of and income from all foods sold at any time. The foods that are restricted from sale/service to students during meal periods are classified in four categories:

- ◆ **Soda water** - Includes all carbonated beverages and with few exceptions, most sparkling waters
- ◆ **Water ices** - Includes any frozen, sweetened water such as “...sicles” and flavored ice; does **not** include products that contain fruit or fruit juice
- ◆ **Chewing gum** - Includes any flavored products from natural or synthetic gums and other ingredients that form an insoluble mass for chewing
- ◆ **Certain candies** - Includes processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients that characterize the following types:
 - **Hard candy** - Includes such foods as sourballs, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers and cough drops.
 - **Jellies and gums** - Includes such foods as gumdrops, jelly beans, jellied and fruit-flavored slices.
 - **Marshmallow candies**
 - **Fondant** - Includes such foods as candy corn and soft mints.
 - **Licorice**
 - **Spun candy**
 - **Candy-coated popcorn**

Exemptions to FMNV

The U.S. Department of Agriculture periodically reviews food manufacturers’ requests to have food items granted an exemption from classification as a Food of Minimal Nutritional Value. The list of exemptions is updated too frequently to include in this publication. However, the current list is available on the Child Nutrition & Wellness website, www.kn-eat.org. Sponsors may find it convenient to print the list and keep the most recent version at the end of this chapter.

Food Delivered to Schools

Q *May teachers and administrators have Chinese food delivered to the school during lunch?*

A Sponsors must prohibit private business enterprises from soliciting, selling, or delivering food or drink items on school property in competition with the nonprofit food service program. This pertains to everyone at the school including students, teachers, and administrators.

