



Child Nutrition & Wellness

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New Requirements for Foods and Beverages Sold in Vending Machines

Recent action by the Kansas State Board of Education (KSBE) will limit foods and beverages sold in school vending machines. Following are questions and answers about these requirements.

1. **What is the new requirement for foods and beverages sold in vending machines?**

At its May 12, 2010 meeting, KSBE adopted a policy requiring all accredited K-12 schools in Kansas to implement the Advanced level of the Kansas School Wellness Policy Model Guidelines for foods and beverages sold in vending machines by August 1, 2010, and to implement the Exemplary level of the guidelines for vending by August 1, 2011.

According to 2009 program year data reported to the Kansas State Department of Education (KSDE), 82% of Kansas school districts and private schools have already achieved the Advanced or Exemplary level for foods and beverages sold in vending machines and school stores.

2. **What are the Kansas School Wellness Policy Guidelines?** The Wellness Policy Guidelines (WPG) were adopted by KSBE in 2005 to assist Kansas schools in meeting the federal requirement that all schools participating in the National School Lunch Program develop and implement a local school wellness policy by the 2006-2007 school year.

The WPG provide detailed recommendations that address all aspects of nutrition at school, nutrition education and physical activity. These guidelines are used as the foundation for almost all school wellness policies in Kansas.

3. **Where can I find more information about the vending requirements?**

- [Wellness Policy Vending Guidelines](#)
- [Wellness Policy Guidelines Web-page](#)
- [Wellness Policy Guidelines Booklet](#)

4. **The WPG address the sale of “Foods of Minimal Nutritional Value”? What are these foods?** Foods of Minimal Nutritional Value (FMNV) are defined in federal regulations for the National School Lunch Program (7CFR Part 210) and the School Breakfast Program (7CFR Part 220). FMNV include all soda water, water ices, chewing gum, hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy and candy coated popcorn; except for individual items in these categories that have been specifically exempted by the U.S. Department of Agriculture.

- [Complete federal definition of FMNV and procedures for obtaining exemptions](#)
- [List of FMNV exempted from restrictions by USDA](#)

5. **Can schools continue to sell FMNV?** The WPG address the time and location of the sale of FMNV as follows:
- At the Advanced level, the sale of FMNV is not allowed on school property in areas accessible to students:
 - In elementary and middle schools until after the end of the school day, and
 - In secondary schools until one hour after the end of the last lunch period.
 - At the Exemplary level, the sale of FMNV is not allowed on school property in areas accessible to students:
 - a. In elementary and middle schools, and
 - b. In secondary schools until after the end of the school day.
6. **What other foods and beverages can be sold in vending machines?** Please refer to question 3 and access the one-page list of vending guidelines which details limitations on the amount of fat, sugar and calories in most items. Beverages are limited to water, milk, juice, soy or rice beverages, and sports drinks (i.e. electrolyte replacement beverages).
7. **What is an “electrolyte replacement beverage”?** Often called “sports drinks”, these beverages are designed to help people recover quickly from electrolyte loss due to excessive exercise, dehydration and illness. Common brands include Gatorade and Powerade. These drinks are intended to treat a general electrolyte imbalance and/or to address common imbalances in sodium or potassium.
8. **Do the new vending requirements apply to school stores or a la carte sales?** School stores are usually operated by student organizations. A la carte programs may be operated by the school food service program. Both school stores and a la carte programs are prohibited by federal regulations from selling FMNV in the food service area during the food service period. Other than this requirement, compliance with the WPG is voluntary for school stores and a la carte programs. However, a la carte programs and school stores are strongly encouraged to sell the healthiest foods and beverages possible and to achieve the Advanced or Exemplary levels of the WPG.
- Congress is working on reauthorization of the federal Child Nutrition Programs. It is expected that this legislation will include requirements, very similar to those in the WPG, for all foods and beverages available throughout the school day.
9. **Are vending machines on school athletic fields covered by these requirements?** Yes, but in secondary schools the restrictions are not required to continue after the end of the school day.
10. **Are vending machines in teachers’ lounges covered by these requirements?** If the area is not accessible to students, then it is not covered by these requirements. The intent of the policy is for adults to serve as positive role models when they are in areas accessible to students by adhering to the same guidelines as those adopted for the students.

11. **Will KSDE provide lists of acceptable foods?** KSDE is developing a comprehensive series of Excel nutrition calculators. The first of these calculators is posted at: [Nutrition Calculators](#). Each calculator will list items that meet the WPG nutrition category for a category of foods; for example, cookies and crackers. The calculators can be downloaded and saved on a user's computer. Additional products can easily be entered into the calculator by the user. The calculator will indicate if the product meets each of the applicable nutrition criteria.
12. **How will compliance with the vending policy be monitored?** All public school districts and private schools that participate in the National School Lunch Program are required to have a local wellness policy, a wellness policy committee (or school health council) and to annually update KSDE's online Wellness Policy Builder. The Wellness Policy Builder includes a section on Vending Machines and School Stores. Since the new vending requirements do not apply to school stores, KSDE is developing a separate section of the Wellness Policy Builder that addresses only school stores. The new version of the Wellness Policy Builder will be available by June 1, 2010. Further information about the revisions to this tool will be sent out when it is released.

School districts will continue to self-report on their progress towards meeting the Advanced and Exemplary guidelines for vending. KSDE will monitor each district's and private school's status in the Wellness Policy Builder. Compliance may also be evaluated during onsite program reviews conducted by KSDE staff.

The new vending requirements will be included in the Kansas Quality Performance Accreditation (QPA) regulations when they are next revised. This is expected to occur later this year following reauthorization of the Elementary and Secondary Education Act (ESEA).

If you have additional questions, please email Jodi Mackey (jmackey@ksde.org).