



Superintendent's Circular

NUMBER:
FNS-03
Version 01

FOOD AND NUTRITION POLICY ON COMPETITIVE FOOD AND BEVERAGES

This Circular will remain in effect unless rescinded or superseded by a subsequent version.

These guidelines will cover food and beverages that are sold, provided, or served to students within school buildings or on school grounds, in the student stores, cafeterias, classrooms, hallways, and vending machines, all of which are sold outside of (i.e., in competition with) the federally funded School Meal Program. These guidelines also apply to fundraisers, classroom activities, and school events. This includes food and beverages supplied by schools during official transportation to and from school and district-sponsored activities, including but not limited to field trips and interscholastic sporting events where the school is the visiting team. See the Implementation Guidelines section for details.

INTRODUCTION

In response to continuing concerns regarding childhood overweight and obesity as well as other diet-related diseases in our city's school-aged children, the Boston School Committee has approved the following policy language regarding beverages and food in schools.

These guidelines were first adopted on July 1, 2004, and were implemented with the start of school in September 2004. They were updated in April 2011 and June 2015 to take into consideration new federal and state nutrition guidelines that impact the overall health and wellness of our students and staff, specifically the Healthy Hunger-Free Kids Act, 2010. Most recently, they were updated in August 2017 to reflect changes in the District Wellness Policy. This document is intended to assist school administrators in implementing these guidelines in their schools.

All such competitive foods shall meet the criteria outlined in the implementation guidelines that follow. This includes food and beverages sold, provided, or served to students in:

- School cafeterias, specifically “a la carte” entrees and snacks
- Vending machines
- School stores
- School snack bars
- Concession stands
- Classrooms and hallways
- Booster sales
- Fundraising activities
- School-sponsored or school-related events, including those with school-sponsored transportation occurring off school grounds, such as sporting events and field days
- Food trucks on school grounds

These guidelines apply to entrees, snacks, side items, and desserts offered or sold outside of the school meals program.

Items that would be considered entrées if sold in the reimbursable meal program, but are sold a la carte as Competitive Foods, are not subject to these guidelines. This policy will be reviewed once yearly by a sub-committee of the Boston Public Schools (BPS) District Wellness Council.

BACKGROUND

Schools across the city, state, and nation have been grappling with developing meaningful and applicable guidelines on this issue of obesity for the past decade. Earlier "Competitive Food Guidelines," set forth by USDA and individual state departments of education, prohibited only the sale of foods of minimal nutritional value (Federal Register: 7 CFR Part 210.11). These standards attempted to address types of foods and beverages sold, provided, or served to students within school buildings. While some state standards may have been useful thirty years ago, most are outdated, as they do not address the growing availability of vending machines, foods, candy, and soda sold inside and outside of the cafeteria at fundraisers or in student stores. Competitive foods are relatively low in nutrient density and high in fat, added sugar, and calories. Neither a la carte nor competitive foods are bound by dietary guidelines that the National School Lunch (NSLP), National School Breakfast, and After School Snack Programs must adhere to.

National and state departments of education, school boards, food policy advocacy organizations, the American Academy of Pediatrics, the Center for Science in the Public Interest, state dietetic and school food service associations, and other representative groups have met over the past several years to establish or recommend nutrition standards to promote healthy

eating habits among children. Massachusetts A La Carte Food Standards to Promote a Healthier School Environment is a guideline that has been established by the Massachusetts Action for Healthy Kids, first adopted in January 2004 and updated in December 2009. These guidelines, along with the Institute of Medicine, the Alliance for a Healthier Generation Competitive Foods and School Beverage Guidelines, nutrition standards from the School Nutrition Bill (H4459, S2322), and the HealthierUS School Challenge informed the latest revision to our policy. In accordance with Mayor Menino's Executive Order Relative to Healthy Beverage Options¹, all beverages sold on school grounds shall meet the city's Healthy Options Beverage Standards.

POLICY

The Boston Public Schools supports lifelong healthy eating habits for all students and staff and is committed to addressing the increasing rates of diet-related health consequences among these groups by creating a healthy school food environment. Serving healthy choices in the lunchroom, limiting availability and marketing of unhealthy foods and sugary drinks, and making water available to students throughout the day are some of the ways to create a healthy school food environment. BPS is committed to ensuring food sold or served outside of the cafeteria meets high nutritional standards.

BPS believes the cafeteria is an essential setting to educate and promote healthy eating habits. BPS is committed to serving students nutritious and delicious food that is less processed, more locally sourced, and culturally responsive to reflect the diverse student population. As an effective way to improve the nutritional quality of foods served in schools and consumed by

students, the district created and implemented menu and ingredient guidelines exceeding federal requirements. BPS will continue a constant review of school food and the food environment to ensure safety, quality, menu equity, and innovation. The district will be an innovator with school food, serving foods that are new and exciting for the students. We believe that students deserve meals reflective of their culture and tastes. We believe eating well is not a privilege; it is a right.

Key requirements of creating a healthy school food environment are:

School Meals Program

- Ensure all menus meet USDA-mandated requirements, as well as Massachusetts Department of Public Health regulations and the latest scientific evidence on healthy eating practices. At a minimum, schools must follow Bronze status standards for the Alliance for a Healthier Generation², and work toward Bronze status standards for the HealthierUS School Challenge³.
- Ensure all menus offer variety and are well presented in an appealing way, and meals and menu items are labeled to communicate deliciousness, as well as specific ingredients.
- Encourage students to participate in breakfast, lunch, and afterschool meals programs and avoid stigmatizing children who participate.
- Provide food with “clean” labels that are free of unwanted ingredients, including trans fats, high fructose corn syrup, artificial colors, artificial sweeteners, additives

(azodicarbonamide, bromated flour), and artificial preservatives (nitrates, nitrites, sulfates, sulfites, MSG, BHA, BHT, TBHQ).

- Reduce material used for packaging, sourcing recyclable or compostable materials when possible, and working to promote best practices around recycling and composting.
- Make water available at no cost during mealtimes wherever meals are served.

Food Safety

- Ensure kitchen facilities (both prep and satellite locations) are inspected twice a year by the Inspectional Services Division (ISD - Health Department).
- Implement a stringent and detailed internal Hazard Analysis and Control Points (HACCP) plan that provides regulations in following safety procedures for food recalls, emergency preparedness to avoid foodborne illnesses, and the spread of infectious diseases.
- Ensure all employees who work 5+ hours are Food Safety.
- Ensure all lead employees are allergy awareness certified and have American Heart Association HeartSaver First Aid Program 2-year certification.

Nutrition Education, Promotion and Food & Beverage Marketing

- Promote health and nutrition messages that encourage the consumption of fruits and vegetables, whole grains, healthy fats, low-fat dairy products, and water; and other

messages consistent with research-based findings that indicate a positive impact on health.

- Identify opportunities to teach healthy eating habits in health education, physical education, and other subjects, and through cafeteria and other school-wide promotions.
- Identify opportunities to support teachers, school staff, and parents around modeling healthy eating habits and following appropriate nutritional standards at school celebrations and staff meetings.
- Only allow food and beverage marketing on school grounds, including items shared with students, that promote foods and/or beverages that meet the BPS nutritional standards.

Competitive Food & Beverages

- Follow federal, state, and local laws and Forbid the sale of food and beverages by anyone other than the Food and Nutrition Services Department, which is solely responsible for food and beverages sold to children during the school day. regulations for competitive foods and beverages (i.e., foods sold, provided, or served within school buildings or on school grounds outside of the school meals program) in all schools, as outlined in this circular.
- Prohibit food sold in competition with school meals, including food-based fundraisers and vending machines during the school day.
- Encourage non-food alternatives for school fundraisers, school parties, and classroom celebrations.

- Prohibit the use of food and beverage as a reward or means of discipline.

All BPS schools shall follow Food and Nutrition Services policies and circulars.

IMPLEMENTATION GUIDELINES

Competitive Food and Beverages

Regulations on competitive food sales in schools and vending machines are contained in regulations established by the

Massachusetts Board of Education. Failure to follow these regulations may result in loss of federal funding.^{1,2,3,4,5,6,7}

The Food and Nutrition Services Department is solely responsible for food and beverages sold to children during the school day;

¹ Regulatory Authority M.G.L. C.15, § 1G

² Federal Register, 2013, 7 CFR Parts 210 and 220, National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in Schools as Required by the Healthy, Hunger-Free Kids Act of 2010; Interim Final Rule, U.S. Department of Agriculture, 78 (125) (June 28, 2013).

³ Federal Register, 2014, 7 CFR Parts 210 and 220, Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010: Proposed Rule, U.S. Department of Agriculture, 79 (38) (February 26, 2014).

⁴ [Massachusetts General Laws \(2010\). Chapter 111, Section 223,](#)

⁵ [State of Massachusetts, Chapter 96 of the Acts of 2012 \(amendment to 2010 law\),.](#)

⁶ [Massachusetts Department of Public Health \(2010\), Nutrition Standards for Competitive Foods and Beverages in Public Schools, 105 CMR 225.000](#)

⁷ [Massachusetts Department of Public Health \(2012\). "Students, Healthy Schools: Revised Guidance for Implementing the Massachusetts School Nutrition Standards for Competitive Foods and Beverages"](#)

consequently, *the sale of food and beverages by others is expressly forbidden.*

The income for the total food and beverage service regularly maintained on school premises shall accrue to the school food services program to be used solely for the operation or improvement of such service. This shall include the income from the sale of a la carte foods and beverages. Food sales operated for profit (this includes bake and candy sales) shall not operate during the regular school day.

The sale of a la carte foods shall be restricted to those items recognized as contributing to or permitted to be served as part of the breakfast or lunch. This restriction automatically eliminates the sale of candy, carbonated beverages, etc. Fundraising activities can only operate after school hours.

Canteen Services at School Site Locations

7 CFR 210, 220 *Competitive Foods*: Federal regulations prevent the sale of candy, gum, and carbonated beverages to students on school premises from the beginning of the school day to the end of the last lunch period.

The sale of food items from canteen trucks (with the exception of an open campus), school stores, or other areas that compete with school meals, time, and money is in violation of federal regulations. These sales further divert income essential to the financial well-being of the Food and Nutrition Services program. Use of canteen services on school premises by students should be prohibited.

Preparation of all competitive foods and beverages must meet state and federal food safety guidelines.

In accordance with 105 CMR 225.100, nutrition information must be made available to students for non-prepackaged competitive foods and beverages as of August 1, 2013. This requirement shall not apply to the sale or provision of fresh fruits or fresh vegetables, and foods or beverages sold during the school day at booster sales, concession stands and other school-sponsored or school-related fundraisers and events.

No competitive food and beverages shall be sold, served, or provided during school mealtimes.

Implementation guidelines must comply with or exceed nutrition standards delineated by [105 CMR 225.000: Nutrition Standards for Competitive Foods and Beverages in Public Schools](#).

All foods sold, served, or provided at schools should meet the guidelines given in FNS-06.

Beverages

The total beverage product line must meet the following criteria:

- Schools may sell, provide, or serve only plain water and juice. All milk is unflavored. No flavored milk will be offered to students. Beverages such as soft drinks, fruit drinks with the minimal nutritional value, and sports drinks cannot be sold, provided, or served to students anywhere in school buildings or on the school campus.
- Plain drinking water must be readily available during the school day at no cost.

- Drinking water must be caffeine-free, have 0 mg of sodium, and have no nutritive or non-nutritive sweeteners. Natural flavorings and carbonation are acceptable.
- Beverages shall not contain added sugars, including high fructose corn syrup and non-nutritive sweeteners.
- No beverages shall contain artificial sweeteners.
- Competitive juice beverages will not be offered in elementary schools (i.e., grades PreK-5). Fruit and/or vegetable based drinks sold in middle and high schools (i.e., grades 6-12) must be composed of no less than 100% fruit/vegetable juices with no added sweeteners, not to exceed 4 ounces in middle schools (i.e. grades 6-8), and not to exceed 8 ounces in high school (i.e., grades 9-12), with 120 calories/8 oz. plus 10% Daily Value of 3 vitamins and nutrients, such as Vitamin A, C, D and calcium
- All milk and milk substitute products shall be pasteurized fluid types of low fat (1%) or skim (fat free) milk which meet USDA, state, and local standards for milk. All milk shall contain Vitamins A and D at levels specified by the Food and Drug Administration and shall be consistent with the state and local standards for such milk. All milk, flavored milk, and milk substitute container sizes shall not exceed 8 ounces.
- Soy, rice, and other milk-substitute drinks shall be calcium and vitamin-fortified and shall contain no more than 22 grams total sugars per 8 ounces.
- No beverages shall contain more than trace amounts of caffeine.

- City of Boston agencies in BPS buildings may offer 8 oz. of 100% juice or low-fat and nonfat milk products in vending machines available only outside of the school day.

Foods

Fresh fruits and/or non-fried vegetables must be offered wherever competitive foods are sold, provided, or served to students except in non-refrigerated vending machines and vending machines offering only beverages. Use of fryolators in preparing competitive foods is prohibited.

In addition, competitive foods must meet the following nutritional criteria per item:

- Any other food that meets all the following criteria:
 - a. $\leq 35\%$ of total calories from fat.**
 - i. Nuts, nut butters, and seeds are exempt from above limitation and are permitted if served in 1 oz portions.
 - ii. Fruit and nut combination products are exempt from the above limitation.
 - iii. If products are dairy, they must be non-fat or low fat dairy.

b. $\leq 10\%$ of calories from saturated fat *OR* $\leq 1\text{g}$ saturated fat

- i. Nuts, nut butters, and seeds are exempt from above limitation and are permitted if served in 1 oz portions.

c. 0g trans fat

d. $\leq 35\%$ of weight from total sugars in foods

- i. Non-fat or low-fat yogurt with a maximum of 30g sugar per 8 ounces.

e. ≤ 200 mg sodium

- i. A la carte entrees like cheese sandwiches, vegetables with sauce, and soups must be less than 480 mg sodium if they contain one or more of the following:

- 1. $\geq 2\text{g}$ fiber
- 2. $\geq 5\text{g}$ protein
- 3. $\geq 10\%$ DV of Vitamin A, C, E, folate, calcium, magnesium, potassium, or iron

f. Meet 1 of the following calorie requirements:

- i. ≤ 100 calories
- ii. Vegetables with sauce and soups can have 150 calories if they contain two or more of the following: $\geq 2\text{g}$ fiber; or $\geq 5\text{g}$ protein; or $\geq 10\%$ DV of Vitamin A, C, E, folate, calcium, magnesium, potassium, or iron; or $\geq \frac{1}{2}$ serving ($\frac{1}{4}$ cup) of fruit or vegetables.
- iii. Other foods can have calorie limits per below if they contain one or more of the following:

1. ≥ 2 g fiber
 2. ≥ 5 g protein
 3. $\geq 10\%$ DV of Vitamin A, C, E, folate, calcium, magnesium, potassium, or iron
 4. $\geq \frac{1}{2}$ serving ($\frac{1}{4}$ cup) of fruit or vegetables:
 - a. ≤ 150 calories for elementary schools
 - b. ≤ 180 calories for middle and
 - c. ≤ 200 calories for high schools
- Bread and other whole grain-based products shall have a whole grain (such as whole wheat) listed as the first ingredient or contain grains that are at least 51% whole grains.
 - No more than trace amounts of caffeine are allowed in foods.
 - Foods must contain no artificial sweeteners.
 - Foods must have limited added sweeteners as much as possible.
 - Fruits shall have no added sweeteners and have 0g total fat. Since fresh fruits and vegetables vary in size and calories naturally, they have no calorie limit.
 - Fruits packaged in their own juices or dried will not exceed the following calorie limits: 150 calories for elementary schools, 180 calories for middle schools and 200 calories for high schools.
 - Dried fruit and nut combination products (commonly known as trail mix) can be included within these guidelines if they meet the following standards:
 - a. The items found in the combination product include only unsweetened dried fruit, nuts, and/or seeds.

- b. The product contains no added sweeteners.
- c. The combination product is exempt from the $\leq 35\%$ of total calories from fat requirement, but must meet all requirements around calories, saturated fat, trans fat, sodium, sugar, and positive nutrients.
 - Any one egg or equal amount of egg equivalent is allowable if it contains no added fat.
 - Any reduced-fat or part-skim cheese ≤ 1 oz.

Time Of Day

The guidelines apply to all food and beverages (outside the USDA School Meals and After School Snack Program) provided to students on school grounds during the regular and extended school day when events are primarily under the control of the school or third parties on behalf of the school.

The extended school day is the time before or after the official school day that includes activities such as clubs, yearbook, band and choir practice, student government, drama, sports practices, intramural sports, and childcare/latchkey programs.

Vending machines, including those controlled by other entities in BPS buildings and grounds, shall comply with these guidelines at all times. Automatic timers will be used to limit access to competitive foods and beverages in vending machines during the school day, including during school mealtimes.

Fundraisers, Classroom Parties, Food Rewards, and Meetings

All fundraisers must meet Boston Public Schools' implementation guidelines for competitive food. No food-based

fundraisers are permitted during school meals. The building administrator or designee is responsible for approving all fundraisers. Classroom parties must also comply with Boston Public School's competitive food guidelines and notification of the cafeteria manager is requested to help the cafeteria plan appropriately. Principals and staff will promote a school environment supportive of healthy eating. Adults are encouraged to model healthy eating by serving nutritious food and beverages at school meetings and events.

Teachers and staff should refrain from providing candy and snacks of minimal nutritional value as rewards for students and instead integrate practices of non-food rewards. Food and beverage cannot be used as a reward means of discipline.

If schools participate in fundraising involving food and beverages, the fundraiser should support a healthy school environment and be free from solicitation of foods that do not meet the specifications of the Dietary Guidelines for Americans. Fundraisers should not include the sale of candy, beverages, and snacks that do not meet the Boston Public Schools' implementation guidelines for competitive foods.

Schools should develop communication and tools to provide to PTA and other groups who are conducting fundraising, celebrations, meetings, and rewards for the school so that non-food activities are used.

Allergies

Schools should consider all students with food allergies and make appropriate plans and accommodations in any food-based

fundraiser, celebration, and/or reward according to the guidance provided in Superintendent's Circular SHS-11, which provides more information on student allergies.

Support For Implementation

This is a citywide initiative, with the Boston Public Schools taking the lead to implement healthy snack and beverage guidelines. The Mayor's Office, the Boston Public Health Commission (BPHC), and the Boston Centers for Youth and Families (BCYF) are all in full support of these policies.

To assist with this transition, Food and Nutrition Services will continue meeting with vendors and manufacturers to discuss product specifications that meet these guidelines. Language referencing new policies is included in the Request for Bids for beverages, dairy and ice cream, and snack food products. Vendors who are awarded single-year or multiple-year contracts must comply with the stated guidelines.

With assistance from the School Wellness Council, students, teachers, parents, and administrators will be informed and educated about the new guidelines. Technical support will be provided to help schools and agency partners adjust to the revised standards, including providing resources on healthful forms of fundraising and meeting guidelines. The Commonwealth of Massachusetts passed a School Nutrition Bill (H4459, S2322). The BPS implementation guidelines have been revised to include state nutritional standards.

MONITORING AND COMPLIANCE

Schools will monitor compliance in the following ways:

- School wellness councils should assess and track their school's compliance with this policy and include implementing goals on their Wellness Action Plan to ensure compliance with the policy.
- All schools will biennially complete the School Health Profiles Surveys (Profiles), including questions on competitive foods and beverages. Individual school reports will be shared back with schools after completing Profiles, stating whether the school is complying with the policy.

The principal and relevant operational leaders will be notified by FNS and the Office of Health & Wellness if a school is found to not be compliant. School administration, families, students, and Wellness Council will be provided information about the policy to engage and support monitoring, enforcement, and compliance.

DEFINITIONS

Food of Minimal Nutritional Value: Food that provides less than five percent of the Reference Daily Intakes (RDI) for each of eight specified nutrients per serving.

A La Carte Foods: Sold typically in the cafeteria by the school food service department. They are separately and individually priced and are not usually part of the NSLP.

Competitive Foods: Competitive foods or beverages means all foods or beverages sold or provided in public schools, other than non-sweetened carbonated water and those items sold or provided as part of federal nutrition programs such as the School Breakfast Program, School Lunch Program, and the Child and Adult Care including those offered in: School cafeterias; school stores; school snack bars; concession stands, booster sales, vending machines; fundraising activities; school-sponsored or school-related events; food trucks, and any other location in public schools.

REFERENCES

[Alliance for a Healthier Generation Standards](#)

[Healthier US School Challenge Standards](#)

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