

ESTABLISHING PRICES FOR ADULT MEALS/A LA CARTE

Neither the USDA nor the Michigan Department of Education set specific prices for school lunch, breakfast, special milk or a la carte. The local school district is responsible for setting prices and increasing prices as needed. There are some guidelines to follow:

- a. Reimbursable meals must be priced as a unit.
- b. USDA sets the maximum price that can be charged for a reduced price lunch or breakfast - schools may charge less.
- c. Paid meals receive a small reimbursement and the meal charges should be based on the cost of producing the meal minus the paid reimbursement.
- d. Schools may use a tiered pricing structure (example: combo meals, super meals, etc.), but the more the expensive meals must be offered to free and reduced price students for no additional charge.
- e. Student meals cannot carry a sales tax, but adult meals must include sales tax.
- f. Adult meals must be priced higher than student meals to include the sales tax, the value of commodity products and offset the student reimbursement.
- g. A la carte items and adult meals must be priced to cover the cost of producing those items.
- h. A la carte items cannot be subsidized by federal funds; they should be used to generate revenue to offset the cost of the reimbursable meal programs.
- i. Nonprofit status
 1. No more than three (3) months operating expense
 2. Income only used for food service program purposes

Any additional questions, please call the Michigan Department of Education, Grants Coordination and School Support, School Nutrition Training and Programs Unit, 517-373-3347 OR 517-373-2077.

SETTING THE PRICE FOR ADULT MEALS

Adult meals cannot be subsidized by federal funds. That is why teachers and other staff members must be charged a higher price than students even if the meal is exactly the same. Schools have the option of charging all a la carte prices or setting an adult unit price for the whole meal. Schools also have the option of using the per meal cost listed on the Year End Report and adding tax to arrive at a fair price for adults meals. To base adult meal prices on the student meal price, you can use the following formula:

DIRECTIONS	SAMPLE	YOUR SCHOOL
Price of Student Lunch	\$1.75	\$
Value of Commodity Foods (FY2008-09)	.2075	.2075
Value of Student Reimbursement (FY2008-09)	.24	.24
Subtotal	\$2.20	
Sales Tax (6%)	.13	
TOTAL	\$2.33	

The sample shows that the school should be charged *at least* \$2.33. The Michigan Department of Education does not cap prices for adults or for a la carte items. Prices must be set to cover all of the cost of producing and serving the meal.

How do your adult meal prices measure up?

A LA CARTE WORKSHEET

1. List all current a la carte items and any proposed new items on the worksheet by category.
Example: Entrée, Chips, Beverages, Ice Cream, Cookie, Fruit, Bread, etc.
2. Record the selling price that you charged the customer in the selling price column.
3. On your invoices look up the cost you paid for each item and record it in the cost column.
4. Subtract the cost from the selling price and record the margin for each item in the next column.
5. To find your markup percentage, divide the margin by the cost for each item.
6. Successful a la carte items are always on the move; they don't just sit around taking up space in your store room.

Shall I keep this item?

Student demand is high
Nutritious item
Markup is greater than 100%
Adds sales without reducing sales of higher profit items
Enhances image of food service operation
Increases profit without adding labor cost
Unique product with some profit
Compliments other profitable items
Less than 100% markup but higher revenue generated

Notes

Competitive Foods And Foods of Minimal Nutritional Value



Fostering Nutrition Integrity In A La Carte Sales and Other Foods Available at School



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Additional copies may be downloaded from the DPI Website at:

http://www.dpi.wi.gov/fns/doc/competitivefds_2_09.doc

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NUTRITION INTEGRITY

The American School Food Service Association (ASFSA) defines nutrition integrity as

“A guaranteed level of performance that assures that all foods available in schools for children are consistent with recommended dietary allowances and dietary guidelines and, when consumed, contribute to the development of lifelong, healthy eating habits.”

To promote nutrition integrity schools are encouraged to:

- Adhere to nutrition standards based on the *Dietary Guidelines for Americans and the Food Guide Pyramid*.
- Consider student preferences in menu planning.
- Provide meals with enough calories to support growth.
- Evaluate the nutritional value of foods over a period of time.
- Purchase food items that meet expected quality and nutrition standards.
- Prepare foods in ways that provide optimal nutrition and student acceptance.
- Carefully select other foods offered in addition to meals (competitive foods) to promote nutrition and encourage healthy eating habits.
- Provide a pleasant eating environment.
- Promote nutrition education.
- Develop cooperative efforts between nutrition professionals and other school/community members.

School administrators, teachers, and school food service staff are encouraged to work together to develop and support nutrition policies aimed at promoting lifelong healthy eating. Nutrition integrity and nutrition education should be integral parts of nutrition policies.

Resources are available to provide more background and help school districts develop nutrition policies. For example, *Fit, Healthy and Ready to Learn* provides national data on the extent to which competitive foods are offered in schools. Another resource is USDA's *Changing the Scene* kit to help schools improve their school nutrition environment. USDA has identified components that make valuable contributions to the whole school nutrition environment: commitment to nutrition and physical activity (policy), quality school meals, other healthy food options including competitive foods, pleasant eating experiences, nutrition education, and marketing. A healthy school nutrition environment is one in which nutrition and physical activity are taught and supported in the classroom, the dining room and throughout the school.

Selected resources are listed on pages 23-24.

COMPETITIVE FOODS

Competitive foods are all foods sold in competition with the National School Lunch Program and the School Breakfast Program to children in food service areas during the school's designated lunch or breakfast periods. Schools that participate in these federal programs **must prohibit** the sale of foods in the categories of foods of minimal nutritional value (FMNV) **in food service areas during the designated meal periods**. Categories of foods of minimal nutritional value include:

- Ø soda water;
- Ø water ices;
- Ø chewing gum; and
- Ø certain candies- hard candy, jellies and gums, marshmallow candies fondant, licorice, spun candy, and candy-coated popcorn.

From 1980 through 1984, schools participating in federal Child Nutrition Programs were prohibited from selling these items on the entire school premises from the beginning of the school day until the end of the last meal period.

The present regulation is reflected in the School Nutrition Program base-year contract between the local school agency and the Department of Public Instruction (DPI). As a condition of participation, school authorities agree to:

“Prohibit the sale of foods in the categories of minimal nutritional value, specifically soda water, water ices, chewing gum and certain candies (hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy, candy-coated popcorn), and any other foods the United States Department of Agriculture (USDA) may determine to be of minimal nutritional value in the food service areas during the designated meal period(s) and control the sale of any competitive foods in the food service areas during the designated meal period(s) so that the expenditures and receipts accrue to the nonprofit school food service program, the School Agency, or to student organizations approved by the School Agency Authorities; except that the receipts from the sale of donated commodities or food items containing donated commodities shall accrue to the nonprofit school food service account.”

The importance of adherence to this policy is eloquently summarized by Shirley R. Watkins, while serving as USDA Under Secretary, in a letter to the Committee on Agriculture, Nutrition, and Forestry, that accompanied the USDA report to Congress on *Foods Sold in Competition with USDA School Meal Programs*.

“...the availability of foods sold in competition with school meals jeopardizes the nutritional effectiveness of the programs and may be a contributor to the trend of unhealthy eating practices among children and subsequent health risks. The consumption of competitive foods is of special concern to those who support the school meal programs since children who purchase these foods are less likely to eat a reimbursable school meal. This undermines the ability of the school meal programs to contribute to children's health, well-being and academic achievement.”

(The full report can be found at www.fns.usda.gov/cnd/lunch)

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Both the American School Food Service Association (ASFSA) and the American Dietetic Association (ADA), two organizations concerned with students' nutritional well-being, have issued position papers and/or core concepts that support not only the previously quoted competitive foods restriction, but the extension of that idea to all foods made available to children at school. The ADA position paper states that "Availability of competitive foods poses three major problems: It diverts income essential to the financial well being of the school meal program, it encourages the consumption of partial meals, and it fosters the erroneous idea that school meals are only for needy children."

An ASFSA core concept for nutrition integrity, adopted by the Wisconsin School Food Service Association, is that "Foods sold in addition to meals will be thoughtfully selected to ensure optimal nutrition quality and foster healthful eating habits. These foods will be limited in number to prevent the separation of students who can and cannot afford additional purchases."

Both ADA and ASFSA recommend local efforts to develop strategies in all schools to ensure that the nutrition needs of students are a high priority of the education system, and they both recognize that while the school nutrition or food service department traditionally has been solely responsible for the school nutrition program, today that responsibility is broadening to include other members of the education team. The ADA position paper recommends that local effort "begin with an assessment of the environment in which school nutrition programs operate. This will include a determination of the degree to which school administrators and boards of education recognize and accept their responsibility to provide healthful foods and nurture students' acceptance of those foods. Local teams of creative, caring persons can raise the community's awareness of the impact school nutrition programs may have on students' immediate needs, future health, and quality of life. Effective strategies will vary, depending on how well schools are currently meeting needs. However, strategies should be developed in all schools to ensure that the nutrition needs of students are a high priority of the education system."

Gene White, RD, former ASFSA president, has stated that school nutrition personnel play "a pivotal leadership role in a school committed to nutrition integrity... School boards and administrators will make a commitment to nutrition integrity through policy and administrative support. Teachers, administrators, school board members, parents and food service personnel will interact and cooperatively work together to provide an education environment in which healthy nutrition practices are taught, experienced, and reinforced."

The National Association of State Boards of Education states that schools have an obligation to protect students. A resolution adopted by the membership states, "Compulsory attendance confers on educators an obligation to protect the welfare of their students and the integrity of the learning environment... Selling or providing access to a captive audience in the classroom for commercial purposes is exploitation and a violation of the public trust."

School boards and administrators may consider establishing a coordinated school health program (CSHP) to promote healthy eating. The Centers for Disease Control

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and Prevention (CDC) in its *Guidelines for School Health Programs to Promote Lifelong Healthy Eating*, states that school health programs can help children and adolescents attain full educational potential and good health. The CDC guidelines provide seven recommendations for ensuring a quality nutrition program within a CSHP:

1. School policy on nutrition
2. A sequential coordinated curriculum
3. Appropriate and fun instruction for students
4. Integration of school food service and nutrition education
5. Staff training
6. Family and community involvement
7. Program evaluation

Through clear and consistent messages that are continually reinforced, students will be motivated to develop and maintain healthy habits and to make desired behavior changes. A CSHP provides students with the knowledge, attitudes, and skills required to make positive health decisions. A CSHP also addresses the environment, services, and supports necessary to develop and maintain healthy behaviors.

What additional areas could be included in a local policy on nutrition integrity, specifically as it pertains to competitive foods?

- Food sales at snack bars and in vending machines: what food items are offered, who is conducting such sales, and where the sales are located.
- Food items brought into or prepared in the classroom(s). (Remember food items should not be used to discipline or reward students.)
- Food items sold as fund-raisers, at special events, and at athletic competitions. Although selling low-nutritive foods may provide revenue for school programs, such sales tell students it is acceptable to compromise health for financial reasons. Consider the sale of non-food items as fundraisers.
- Food deliveries from local businesses to students at school, which may interrupt office personnel, interfere with school security, increase traffic, create excess litter, and increase cleanup for school personnel.
- Food items available at staff meetings and parents' association meetings. Children need consistent healthful messages that are role modeled and encouraged by adults.
- Advertising or other commercial efforts to influence student food choices should not undermine the educational goal of fostering healthy eating patterns.

In addition to the impact on students' health, consider the impact the above areas play on the financial viability and operation of the school nutrition program.

The model language on page 5, developed by USDA as directed by Congress in the Healthy Meals for Healthy Americans Act of 1994, may be adopted or adapted by local schools or districts interested in affirming their commitment to nutrition integrity.

The Federal Regulation (pages 6-10) and the Questions and Answers (pages 15-17), address the minimum requirements that all schools participating in the National School Lunch and/or Breakfast Programs must follow.

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Model Policy Language for Elementary Schools

Competitive Food Sales on Elementary School Grounds

The (School District Name) is concerned about providing students with the best possible nutrition at school. Proper nutrition is important for both physical and educational development. Nourishing meals assist students in making the most of their educational opportunities.

Accordingly, it is the policy of this school that the sale of **foods of minimal nutritional value** shall be prohibited **throughout the school grounds (____)**. *

Foods of minimal nutritional value include soft drinks, water ices, chewing gum, and certain types of candies (hard candies, jellies and gums, marshmallow candies, fondant, licorice, spun candy, and candy-coated popcorn).

This prohibition applies to all food sales on school grounds including sales from kiosks, vending machines or school bookstores.

*For Example:

- During designated meal periods.
- Between the start of the school day and the end of the last lunch period.
- Between the start and end of the school day.



Federal Regulations

Pages 6-10 are reprinted from the FEDERAL REGISTER

National School Lunch Program

7 CFR •210.11 *Competitive Food Services*

(a) *Definitions.* For the purpose of this section:

- (1) *Competitive foods* mean any foods sold in competition with the Program to children in food service areas during the lunch periods.
- (2) *Food of minimal nutritional value* means: (i) In the case of artificially sweetened foods, a food which provides less than five percent of the Reference Daily Intakes (RDI) for each of eight specified nutrients per serving; and (ii) in the case of all other foods, a food which provides less than five percent of the RDI for each of eight specified nutrients per 100 calories and less than five percent of the RDI for each of eight specified nutrients per serving. The eight nutrients to be assessed for this purpose are-protein, vitamin A, vitamin C, niacin, riboflavin, thiamin, calcium, and iron. All categories of food of minimal nutritional value and petitioning requirements for changing the categories are listed in Appendix B of this part.

(b) *General.* State agencies and school food authorities shall establish such rules or regulations as are necessary to control the sale of foods in competition with lunches served under the Program. Such rules or regulations shall prohibit the sale of foods of minimal nutritional value, as listed in Appendix B of this part, in the food service areas during the lunch periods. The sale of other competitive foods may, at the discretion of the state agency and school food authority, be allowed in the food service area during the lunch period only if all income from the sale of such foods accrues to the benefit of the nonprofit school food service or the school or student organizations approved by the school. State agencies and school food authorities may impose additional restrictions on the sale of and income from all foods sold at any time throughout schools participating in the program.

School Breakfast Program

7 CFR •220.12 *Competitive Food Services*

(a) State agencies and School Food Authorities shall establish such rules or regulations as are necessary to control the sale of foods in competition with breakfasts served under the Program. Such rules or regulations shall prohibit the sale of foods of minimal nutritional value, as listed in Appendix B of this part, in the food service areas during the breakfast periods. The sale of other competitive foods may, at the discretion of the state agency and the School Food Authority, be allowed in the food service area during the breakfast period only if all income

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from the sale of such foods accrues to the benefit of the nonprofit school food service or the school or student organizations approved by the school. State agencies and School Food Authorities may impose additional restrictions on the sale of and income from all foods sold at any time throughout schools participating in the School Breakfast Program.

(b) (1) Any person may submit a petition to the Food and Nutrition Service (FNS) requesting that an individual food be exempted from a category of foods of minimal nutritional value listed in Appendix B. In the case of artificially sweetened foods, the petition must include a statement of the percent of the Reference Daily Intake (RDI) for the eight nutrients listed in 220.2(i-1) that the food provides per serving and the petitioner's source of this information. In the case of all other foods, the petition must include a statement of the percent of RDI for the eight nutrients listed in 220.2(i-1) that the food provides per serving and per 100 calories and the petitioner's source of this information. The Department will determine whether or not the individual food is a food of minimal nutritional value as defined 220.2(i-1), and will inform the petitioner in writing of such determination, and the public by notice in the *Federal Register* as indicated under paragraph (b)(3) of this section. In determining whether an individual food is a food of minimal nutritional value, discrete nutrients added to the food will not be taken into account.

(2) Any person may submit a petition to FNS requesting that foods in a particular category of foods be classified as foods of minimal nutritional value as defined in 7 CFR 220.2(i-1). The petition must identify and define the food category in easily understood language, list examples of the foods contained in the category and include a list [of ingredients] which the foods in that category usually contain. If, upon review of the petition, the Department determines that the foods in that category should not be classified as foods of minimal nutritional value, the petitioner will be so notified in writing. If upon review of the petition, the Department determines that there is a substantial likelihood that the foods in that category should be classified as foods of minimal nutritional value as defined in 220.2(i-1), the Department shall at that time inform the petitioner. In addition, the Department shall publish a proposed rule restricting the sale of the foods in that category, setting forth the reasons for this action, and soliciting public comments. On the basis of comments received within 60 days of publication of the proposed rule and other available information, the Department will determine whether the nutrient composition of the foods indicates that the category should be classified as a category of foods of minimal nutritional value.

The petitioner shall be notified in writing and the public shall be notified of the Department's final determination upon publication in the *Federal Register* as indicated under section (b)(3) of this section.

(3) By May 1 and November 1 of each year, the Department shall amend Appendix B to exclude those individual foods identified under paragraph (b)(1) of this section, and to include those categories of foods identified under paragraph (b)(2) of this section, provided that there are necessary changes.

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National School Lunch Program

Appendix B to Part 210

(And substantively Appendix B to Part 220—School Breakfast Program)

Categories of Foods of Minimal Nutritional Value

(a) **Foods of Minimal Nutritional Value**—Foods of minimal nutritional value are:

- (1) *Soda Water*—A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 degrees Fahrenheit. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals and protein.
- (2) *Water Ices*—As defined by 21 CFR 135.160 Food and Drug Administration Regulations except that water ices, which contain fruit or fruit juices are not included in this definition.
- (3) *Chewing Gum*—Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing.
- (4) *Certain Candies*—Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
 - (i) *Hard Candy*—A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers and cough drops.
 - (ii) *Jellies and Gums*—A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices.
 - (iii) *Marshmallow Candies*—An aerated confection composed as sugar, corn syrup, invert sugar, 20 percent water and gelatin or egg white to which flavors and colors may be added.
 - (iv) *Fondant*—A product consisting of microscopic-sized sugar crystals which are separated by thin film of sugar and/or invert sugar in solution such as candy corn, soft mints.
 - (v) *Licorice*—A product made predominantly from sugar and corn syrup which is flavored with an extract made from the licorice root.
 - (vi) *Spun Candy*—A product that is made from sugar that has been boiled at high temperature and spun at a high speed in a special machine.
 - (vii) *Candy-Coated Popcorn*—Popcorn which is coated with a mixture made predominantly from sugar and corn syrup.

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(b) **Petitioning Procedures**—Reconsideration of the list of foods of minimal nutritional value identified in paragraph (a) of this section may be pursued as follows:

- (1) Any person may submit a petition to FNS requesting that an individual food be exempted from a category of foods of minimal nutritional value listed in paragraph (a). In the case of artificially sweetened foods, the petition must include a statement of the percent of Reference Daily Intake (RDI) for the eight nutrients listed in •210.11(a)(2) “Foods of minimal nutritional value,” that the food provides per serving and the petitioner’s source of this information. In the case of all other foods, the petition must include a statement of the percent of RDI for the eight nutrients listed in •210.11(a)(2) “Foods of minimal nutritional value,” that the food provides per serving and per 100 calories and the petitioner’s source of this information. The Department will determine whether or not the individual food is a food of minimal nutritional value as defined in •210.11(a)(2) and will inform the petitioner in writing of such determination, and the public by notice in the *Federal Register* as indicated below under paragraph (b)(3) of this section. In determining whether an individual food is a food of minimal nutritional value, discrete nutrients added to the food will not be taken into account.
- (2) Any person may submit a petition to FNS requesting that foods in a particular category of foods be classified as foods of minimal nutritional value as defined in •210.11(a)(2). The petition must identify and define the food category in easily understood language, list examples of the food contained in the category and include a list of ingredients which the foods in that category usually contain. If, upon review of the petition, the Department determines that the foods in that category should not be classified as foods of minimal nutritional value, the petitioners will be so notified in writing. If, upon review of the petition, the Department determines that there is a substantial likelihood that the foods in that category should be classified as foods of minimal nutritional value as defined in •210.11(a)(2), the Department shall at that time inform the petitioner. In addition, the Department shall publish a proposed rule restricting the sale of foods in that category, setting forth the reasons for this action, and soliciting public comments. On the basis of comments received within 60 days of publication of the proposed rule and other available information, the Department will determine whether the nutrient composition of the foods indicates that the category should be classified as a category of foods of minimal nutritional value. The petitioner shall be notified in writing and the public shall be notified of the Department’s final determination upon publication in the *Federal Register* as indicated under paragraph (b)(3) of this section.
- (3) By May 1 and November 1 of each year, the Department will amend Appendix B to exclude those individual foods identified under paragraph (b)(1) of this section, and to include those categories of foods identified under paragraph

(b)(2) of this section, provided, that there are necessary changes. The schedule for amending Appendix B is shown in the chart [below].

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- (4) Written petitions should be sent to the Chief, Technical Assistance Branch, Nutrition and Technical Services Division, FNS, USDA, Alexandria, VA 22302, on or before November 15 or May 15 of each year. Petitions must include all information specified in paragraph (b) of this Appendix and •220.12(b)(1) or (2) as appropriate.

Actions for Publication	Publication	
	May	November
Deadline for receipt of petitions by USDA	Nov. 15	May 15
USDA to notify petitioners of results of Departmental review and publish proposed rule (if applicable)	Feb. 1	Aug. 1
60 Day comment period	Feb. 1 through April 1	Aug. 1 through Oct. 1
Public notice of amendment of Appendix B by	May 1	Nov. 1

Exemptions under the Competitive Foods Regulation

Manufacturers have petitioned and had several foods, listed on the next three pages, exempted from the category of foods of minimal nutritional value.

This exemption means these products can be sold during the meal period in a school food service area. It does not mean these products are approved or endorsed by USDA's Food and Nutrition Service (FNS) or DPI. Nor does it indicate that these products have significant nutritional value. In addition, these exemptions should not be perceived as guidance or encouragement concerning their possible purchase.

The manufacturers listed, as well as other manufacturers, produce several products under the heading of "fruit snack," "spritzer," or "fruit juice beverage." Some of these products have fruit as the first ingredient. **Fruit as the first ingredient is not an acceptable method for determining whether a product is exempted from the foods of minimal nutritional value category.** FNS considers most fruit snacks and carbonated beverages to be foods of minimal nutritional value.

To obtain an exemption, a manufacturer must submit information and a petition to the Nutrition and Technical Services Division of FNS as outlined in Section (b)(1) of Appendix B to 7 CFR Part 210. Once it is determined that a product can be exempted, FNS will send a letter to the company stating that its product has been exempted. To be assured you are purchasing a product that has been exempted, it is recommended that a copy of this letter be obtained before a product is purchased.

At least two of the companies with exempted foods produce similar products that are not exempted: the nonexempt products still are considered foods of minimal nutritional value. **The exemption of one product does not extend to similar products or a family of products.**

Very few exempted products can contribute toward meal pattern requirements. Only with proper documentation could exempted food products contribute to food based meal pattern requirements. For example, the three spritzers produced by Knudsen and Sons Inc. that have been exempted indicate on the label that they contain either 70 percent or 75 percent real fruit juice.

USDA periodically updates the list of exemptions under the Competitive Foods Regulation. The most current list can be found on the DPI website at:

<http://dpi.wi.gov/fns/menupln.html>

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Exemptions under the Competitive Foods Regulation

Contains all food items exempted from foods of minimal nutritional value Updated
2/20/09

Knudson and Sons, Inc.

Orange Passionfruit Spritzer
Orange Spritzer

Jamaican Style Lemonade Spritzer

FJ FIZZ-Flavored Sparkling Fruit Juice Beverage from Concentrates:
Grape, Cherry, Strawberry, Raspberry, Orange, Cherry Cola

Great Brands of Canada, Ltd.

ALL CANADIAN BRAND- Sparkling Spring Water with Natural Fruit Flavors:
Strawberry, Black Cherry, Raspberry, Peach Orange, Watermelon, Lemon Lime

General Mills, Inc.

FRUIT by the FOOT (SPECIAL EDITION)

Color by the Foot, Triple Fruit Punch
Strawberry Fruit by the Foot

Berry Tie-Dye Fruit by the Foot

Cherry Rage Fruit by the Foot

Berry Tie-Dye Sweetened with Splenda® Fruit by the Foot

FRUIT ROLL-UPS (SPECIAL EDITION)

Strawberry Punch Fruit Roll-Up
Crazy Color Fruit Roll-Up
Screamin' Green Hot Color Fruit Roll-Up
Electric Yellow Hot Color Fruit Roll-Up
Sizzling Red Hot Color Fruit Roll-Up

Blazin' Blue Hot Color Fruit Roll-Up

Tropical Cherry Fruit Roll-Up

Tropical Tie-Dye Fruit Roll-Up

Cherry Orange Wildfire Fruit Roll-Up

Strawberry Fruit Roll-Up

Strawberry Sweetened with Splenda® Fruit Roll-Up

FRUIT STRING THING (SPECIAL EDITION)

Sneaky Stripes – Double Berry Punch Flavored
Strawberry Punch

FRUIT GUSHERS FRUIT SNACK (SPECIAL EDITION)

Fruit Gushers® Strawberry Punch
Fruit Gushers® Watermelon Blast

Fruit Gushers® Strawberry

FRUIT SNACKS (SPECIAL EDITION)

Pokemon™ Rolls® Punch Red
Scooby-Doo Fruit Snacks

Sunkist Mixed Fruit Snacks

Sunkist Fruit Spirals

Canada Pure Water Company, LTD.

SPARKLING REFRESHERS

Strawberry, Wildberry, Black Cherry, Raspberry, Lemon Lime, Orange

Clearly Canadian Beverage Corporation

QUENCHER

Grape, Apple, Tropical Lime, Fruit & Berry

Eastside Beverage Company

SPARKLING SPRING WATER FRUIT BEVERAGE- Refreshers:

Orange Passion Fruit, Red Raspberry, Strawberry Kiwi, Wild Blackberry, Pink Grapefruit

International Home Foods

Grist Mill™ Curious George™ Fruit Snacks

For ingredient listing on all of these products please visit: <http://www.dpi.wi.gov/fns/menupln.html>

COMPETITIVE FOODS

Promotion In Motion, Inc.

DINOSAURS Real Fruit Snacks	PIRATE'S TREASURE™ Real Fruit Snacks
FRUIT PARADE® Real Fruit Snacks	JAWS™ Real Fruit Snacks
ALL STARS Real Fruit Snacks	Welch's® Fruit Snacks Mixed Fruit
TRICKERTREATS™ HALLOWEEN TIME-Real Fruit Snacks	

Gage Foods

Fruit Shapes Fruit Snacks

Brach's Confections, Inc.

Hi-C® Fruit Snack	Clifford, the Big Red Dog™ Fruit Snacks
Fruit Loops Fruit Snacks	Orchard Fruit™ Fruit Snacks

RWI Resources, LLC.

RIPTIDE SPARKLING FLAVORED WATER BEVERAGES
Strawberry, Black Cherry, Raspberry, Lemon-Lime, Orange, Wildberry

Izze Beverage Company

IZZE 100% PURE FRUIT JUICE AND SPARKLING WATERS
Clementine, Grapefruit, Blackberry, Lemon, Pear, Apple, Pomegranate

Switch Beverage Company

SWITCH CARBONATED JUICE BEVERAGES
Orange Tangerine, Apricot Peach, Orange Mango, Watermelon Strawberry, Grape, Fruit Punch,
Black Cherry, Kiwi Berry

Volunteer Marketing Inc.

FIZZ SPARKLING FRUIT JUICE BEVERAGES
Island Blast, Black Cherry, Concord Grape, Tangerine Dream

Perfetti Van Melle

Airheads Fruit Spinners® Fruit Snacks Fruit Punch™

Multi Flow Dispensers

HARVEST SQUEEZE SPARKLING BEVERAGES
Strawberry Apple Juice Blend, Citrus Peach Juice Blend, Kiwi Strawberry Juice Blend,
Fruit Punch

Masterfoods USA

Xfruts Hyperfruit Snacks™

Au'some Snack Naturally, Inc.

FRUIT JUICE SHAPES
Orange, Strawberry, Blueberry, Cranberry Apple

Blueberry Fruit Juice Nuggets	Blueberry Fruit Juice Sour String
Cranberry Apple Fruit Juice Nuggets	Cranberry Apple Fruit Juice Sour String
Orange Fruit Juice Nuggets	Orange Fruit Juice Sour String
Strawberry Fruit Juice Nuggets	Strawberry Fruit Juice Sour String

FLORIDA'S NATURAL BRAND AU'SOME FRUIT JUICE STIKS
Orange, Strawberry, Blueberry

Talking Rain Beverage Company

Sparkling ICE beverage: Black Raspberry, Strawberry Kiwi, Pink Grapefruit

COMPETITIVE FOODS

Brookside Fruit Company

X-treme Fruit™ Bites

Atomic Apple, Charg-n Cherry, Chili Lime Fusion, Citrus Cyclone, Strawberry Blast

Arcor USA, Inc.

ARCOR FRUIT SNACKS

Mixed Fruit, Strawberry, Cherry, Grape

Red Toe Sodas, LLC

RED TOE SODA

Fruit Punch, Orange Soda, Cherry Soda, Lemon-Lime

Ardea Beverage Company

AIRFORCE NUTRISODA

Calm (wildberry + citron)

Radiant (pomegranate + blackberry)

Slender (pink grapefruit + guava)

Vision (sparkling kiwi + clementine)

Focus (mango + peach)

Renew (watermelon + blueberry)

Immune (tangerine + lime)

Dr. Parsons Dairy LCC

eMoo (8 fl oz and 12 fl oz)

Berry, Bubblegum, Chocolate, Orange Sparkle

RPM (8 fl oz and 12 fl oz)

Cappuccino, Chocolate

Apple & Eve

FIZZ ED

Green Apple, Red Raspberry, Pomegranate Cherry, Orange Mango

Biofree- USA

FIZZA: Orange, Apple, Cola

4U2U Brands

FRUIT 66: Fruit Punch, Kiwi Strawberry Blast, Orange Tangerine, Apple Berry

The Healthy Beverage Company

GREEN TEA CARBONATED BEVERAGE

Grape, Lemon, Raspberry, Root Beer, Orange

Berkeley Street Beverage Company

Juicy Jax™ 100% SPARKLING JUICE BLEND 5:1 Concentrate

Strawberry, Cherry, Passionfruit-Orange-Guava, Watermelon, Mango, Lemon Lime

Nine Iron

Sport Hydration Drink

Envy Foods

SPARKLING: Strawberry Kiwi, Tropical Mango, Fruit Punch, Green Apple

Albanese Confectionary Group, Inc.

A+ Gummies

For ingredient listing on all of these products please visit: <http://www.dpi.wi.gov/fns/menupln.html>

COMPETITIVE FOODS



Questions and Answers

- Q.** *What are the restricted categories of foods of minimal nutritional value?*
- A.** The restricted categories of foods are identified in Appendix B of the regulation as soda water (carbonated beverages), water ices (except those that contain fruit or fruit juices), chewing gum, and certain candies (specified in Appendix B). Other foods that are not restricted include: ice cream, ice milk, certain beverages that are not carbonated, “chips” and flavored (chocolate, strawberry, vanilla, etc.) candies that may contain any one of the following: nuts, peanut butter, caramel, coconut, nougat centers, milk-based fillings, or other similar ingredients. In fact, no foods are restricted unless they fall in one of the four categories indicated above.
- Q.** *Does this regulation affect all schools in the United States?*
- A.** This regulation affects those schools that participate in the National School Lunch and/or Breakfast Programs.
- Q.** *Does this regulation affect the sale of foods of minimal nutritional value in locker rooms, student stores, etc., as well as the cafeteria?*
- A.** No, this regulation is only effective in any area on school premises where program meals are either served or eaten during meal periods. Note that if a student store operates in the food service area, sales of foods of minimal nutritional value (FMNV) would be prohibited during meal periods (both the time of serving and the time the student spends eating the meals) by the regulation. Schools may not design their food service area in such a way as to encourage or facilitate the choice or purchase of FMNV as a ready substitute for, or addition to, program meals.
- Q.** *What effect does this federal regulation have on state and local policies on competitive foods?*
- A.** The federal regulation sets a minimum standard for use by state and local officials. It does not preclude local schools from setting their own stricter rules.

COMPETITIVE FOODS

- Q.** *Are schools required to sell soda water, water ices, chewing gum, and certain candies before or after the meal period?*
- A.** No. The decision to allow the sale of such foods before or after the meal period is a local determination. We encourage school food authorities to work toward a policy that has nutrition integrity as its first goal.
- Q.** *May FMNV be served within a reimbursable meal “at no additional charge”?*
- A.** No. As the FMNV is in fact being “sold” as part of the unit and this violates the prohibition against selling FMNV in the food service area during meal periods.
- Q.** *What foods might schools sell as a replacement to the restricted categories of FMNV?*
- A.** Schools that wish to follow the Dietary Guidelines for Americans could sell more nutritious snacks such as fresh fruit and fruit juices, vegetable juices, low-fat yogurt, and whole-grain products. Some schools specify that only components of reimbursable school meals may be sold as a la carte foods.
- Q.** *Does the definition of water ice include yogurt and ice cream?*
- A.** No. Water ices do not contain any milk or milk-derived ingredients, and no egg ingredient other than egg whites.
- Q.** *Why are chocolate candies not restricted in the regulation?*
- A.** Chocolate candies, especially milk chocolate, contain 5 percent or more of the Reference Daily Intakes (RDI) for one or more of the eight specified nutrients (protein, vitamin A, vitamin C, niacin, riboflavin, thiamin, calcium, and iron) per 100 calories and/or per serving.
- Q.** *Does the definition for chewing gum include sugarless chewing gum?*
- A.** Yes. All types of chewing gum are considered foods of minimal nutritional value.
- Q.** *Does the definition for soda water include sugar free carbonated beverages?*
- A.** Yes. Sugar free carbonated beverages are considered FMNV.
- Q.** *Does the definition for soda water include uncarbonated beverages?*
- A.** No. The regulation does not include uncarbonated drinks such as lemonade, fruit drinks, some bottled water, and iced tea. However, we discourage the sale of tea and coffee products to children.

COMPETITIVE FOODS

- Q.** *Are costs of FMNV able to be charged to the nonprofit school food service account (SFSA)?*
- A.** No. Costs charged to the nonprofit SFSA must be both necessary and reasonable, the costs of FMNV are neither. In some circumstances, the cost of minor quantities of FMNV used to decorate or enhance a food or menu item is allowable. Any other costs of FMNV for service in the food service area during meal periods must be disallowed.
- Q.** *May costs of FMNV for sale outside a meal period(s) or outside a food service area(s) during meal periods be charged to the SFSA?*
- A.** Such purchases must be self-sustaining. This means that funds must be deposited in the SFSA in an amount sufficient to cover all direct and indirect costs relating to the purchases and service of FMNV with SFSA funds. Records documenting the recovery of these costs must be maintained and available for review.
- Q.** *Does this regulation affect breakfast-only schools?*
- A.** Yes. Any school participating in the SBP or NSLP or both must comply with the regulation.
- Q.** *How does the regulation ensure compliance?*
- A.** DPI will want to work with school food authorities that may be experiencing difficulties complying with the regulation, as necessary. However, failure to comply with any program requirement can ultimately lead to the withholding of program reimbursement until such time as compliance is obtained.
- Q.** *What will happen if the state agency discovers a violation of the use of the SFSA?*
- A.** DPI would require both corrective action and restoration to the SFSA of any SFSA funds used improperly to purchase and serve FMNV.

A LA CARTE

Since enactment of the National School Lunch Act, there have been dramatic social and economic changes that have influenced eating habits. Students today are used to a “fast food” society. They tend to “graze” during the day rather than eat at specific mealtimes. They have become accustomed to having a wide variety of food items available to them throughout the day. To meet the expectation and demands of students today, school food services have considered or are currently selling a la carte items.

Defined as food items priced and sold separately from a meal, a la carte sales can be as simple as selling extra milks, second entrees, or additional food items such as cookies and ice cream bars at the end of the meal. Perhaps it is purchasing and maintaining vending machines throughout the school. It could be as extensive as operating a snack bar all day long.

Positive Aspects of A La Carte Sales

A la carte sales offer a variety of benefits to the school district and to the students. A la carte sales could:

Expand services to students.

- Increase the variety of food items available to students at school.
- Make customers happy and increase number of customers.
- Supplement school meals for students with bigger appetites.
- Supplement meals brought from home.
- Provide an alternate food choice for those students not wanting to purchase a full meal.
- Encourage students to stay on campus.
- Minimize time spent in line by providing alternate lines.
- Provide nutritious snacks for after school activities.

Generate additional revenue for the school lunch/breakfast program.

- Decrease/eliminate transfers from the district’s general fund into school food service fund.
- Keep meal prices affordable for paying students.
- Generate “extra” money for new food service equipment, tables, staff training, etc.
- Capture money for the school lunch program that may have been spent off campus.

Negative Aspects of Poorly Planned A La Carte Sales

Without careful planning, a la carte sales could adversely affect the school lunch and breakfast programs. Poorly planned a la carte sales could:

Affect viability of the school meal programs if a la carte sales detract and distract from reimbursable meal sales.

- Decrease state and federal reimbursement.
- Decrease commodity allocations.
- Divert food service staff to a la carte, resulting in long lines for reimbursable meals.
- Decrease interest on the part of schools in maintaining quality school meal programs that meet established nutrition standards when there is a reduction in funds from reimbursable meals.

Decrease school meals program revenue if a la carte items are priced too low.

- Divert student purchases from reimbursable meals if they can purchase meal components and other foods at a lower price. This may happen if a la carte items are priced too low due to failure to identify ALL costs (food, labor, packaging, equipment, vending machine rental, market value of commodity products, etc.) necessary to establish a la carte prices.

Discriminate against students who do not have extra money to spend.

- Increase the possibility of overt identification.

Perpetuate negative image of school meals/stigmatize participation in school meal programs.

- Entice students to purchase individual, perhaps less nutritive, foods rather than purchase a nutritionally balanced meal.
- Further students' perception that a la carte items are more appealing than foods included in reimbursable meals.
- Reduce the number of low-income children willing to accept free or reduced price meals and the number of non-needy children willing to purchase school meals. Since only students with money can purchase a la carte items, students may perceive that school meals are primarily for poor children rather than nutrition programs for all students.

Convey a mixed message.

- Confuse students who are taught in the classroom about good nutrition and the value of healthy food choices, when they are surrounded by a la carte sales offering low nutrient-density options. Students receive the message that good nutrition is merely an academic exercise that is not supported and therefore not important to health and academic performance.

Considerations for Planning A La Carte Sales

Implementing a la carte sales without jeopardizing the school lunch and breakfast programs can be accomplished. It may require a careful assessment of current or planned a la carte sales. To assess current or planned a la carte sales:

Ensure that all foods sold on the a la carte line are nutritious.

- Include food items that contribute to reimbursable meals.
- Review the categories of “Foods of Minimal Nutritional Value” on pages 8 and 9. Food items described in these categories *cannot* be sold in the food service area during designated meal periods.

Set up meal service line(s) to allow students to select reimbursable meals and/or a la carte items.

- For food based menu planning options, make sure students have access to all five food items/components to meet meal pattern requirements.
- For nutrient standard menu planning option, make sure food items are identified as an entrée, side, or milk and included in the nutrient analysis.
- Market those food items on the a la carte line that contribute to meal pattern requirements so students and cashier staff can readily identify reimbursable meals. For example, (1) use signage and/or color codes so students know how food items contribute to the meal pattern, or (2) advertise daily specials and/or “combos”.

Set unit meal price for a reimbursable meal that may be obtained by selecting certain food items from the a la carte line.

- Establish the unit price to be, at a minimum, equal to the price established for full-priced students for a reimbursable meal on the other line(s).
- Remember a student’s decision to decline the allowed number of food items as defined by the school district’s Offer versus Serve policy does not affect the unit price of the meal.
- Consider establishing a tiered pricing system to cover the higher costs of the a la carte items.
- Set the unit price for the reimbursable meal so it is less than purchasing each food item individually for the a la carte price. Consider the reimbursable meal price as a “meal deal” or “value meal”. Remember that the school receives federal and state cash reimbursement, plus commodity entitlement value for each reimbursable meal sold.
- Ensure those students eligible for free and reduced priced meals can go through this line and select a reimbursable meal at no additional cost without overt identification.

Tiered Pricing System for Reimbursable Meals

A tiered pricing system may be established to cover the larger portions and/or increased costs often associated with food items available on an a la carte line. The cost of a reimbursable meal to the paid students from the a la carte line may cost more than a reimbursable meal from the regular line. However, the students eligible for free or reduced priced meals cannot be charged additional costs for the reimbursable meal from the a la carte line. They can be charged the established a la carte prices for extra food items/components and for incomplete/non-reimbursable meals.

Set appropriate prices for a la carte items (foods that are sold separately from a meal).

- Generate profit (excess of revenue over expenditures) from a la carte sales. Remember student meal payments and other meal revenue sources cannot be used to subsidize a la carte sales.
- Consider food, labor, equipment, and packaging costs to determine selling price. Management and overhead costs should also be considered.
- Consider prices currently charged by competitors (convenience stores, fast food restaurants, vending machines, etc.) in your area to determine selling price.
- Consider the estimated sales of the food items to determine selling price.
- Price individual items to total more than the unit meal price for a reimbursable meal. Remember that a la carte sales *do not* receive reimbursement.
- Limit the number of prices set for food items—price by category. For example, charge a set price for all fresh fruit, entrees, breads/rolls, etc.

Train food service staff to recognize a reimbursable meal that may contain food items from the a la carte line.

- Based on the school district's Offer versus Serve policy, know what food items, combinations, and portion sizes count as a reimbursable meal for the unit meal price.
- Charge for the "extra" food items/components—those items that are not meal components contributing to the reimbursable meal or are second servings.

Ten Considerations for Assessing A La Carte Sales in the Food Service Area

1. Are food items nutritious?
2. Are food items sold at a time and in a manner that promotes healthy eating?
3. Are students making good food choices when a la carte items are sold?
4. Are sales that are conducted during the designated meal service times in the food service area in conformance with the federal competitive food regulations?
 - Are foods in the categories of foods of minimal nutritional value excluded from being sold?
 - Does income from sale of competitive foods accrue to the benefit of the school food service or the school or student organization approved by the school?
5. Could students obtain a reimbursable meal by selecting certain a la carte items?
6. Are all required food items/components available for selection if students are allowed to purchase/receive reimbursable meals from the array of items on the a la carte line?
7. Have all costs associated with the purchase, preparation, and sale of a la carte items been identified?
8. Are a la carte prices set to cover all costs? If not, are price adjustments needed?
9. Do the prices of various a la carte item combinations that would make up a reimbursable meal meet or exceed the full student meal price and the adult meal price?
10. Are a la carte item prices consistent with prices at local retail stores?

Changing the Scene—Improving the School Nutrition Environment is a USDA-Team Nutrition publication which focuses on six components of a healthy school nutrition environment—commitment to nutrition and physical activity, quality school meals, other healthy food options, pleasant eating experiences, nutrition education, and marketing. Target audiences include school administrators, parents, local organizations, and the media. To order (one free copy while supplies last), call Team Nutrition, Food and Nutrition Service, U.S. Department of Agriculture at 703-305-1624. The order form for this kit is also available online at: www.fns.usda.gov/tn.

Controlling Costs in the Food Service Industry is a book by Dorothy Pannell-Martin; published by InTeam Associates, Inc. A step-by-step guide for new and seasoned managers addressing a wide range of areas: control of food and labor costs, a la carte sales, staffing procedures, inventory gauges, and the budget as a management tool. This book is available for purchase through the ASFSA Emporium at 1-800-728-0728 or online at www.asfsa.org/marketplace.

Fit, Healthy, and Ready to Learn is a publication of the National Association of State Boards of Education (NASBE). This resource addresses the art of policymaking, general school health policies, policies to encourage physical activity and healthy eating and to discourage tobacco use. To order, call NASBE at 1-800-220-5183 or write to 277 South Washington Street, Suite 100, Alexandria, VA 22314.

Managing Child Nutrition Programs: Leadership for Excellence by Martha T. Conklin PhD, RD and Josephine Martin PhD, RD, is a resource for dietetic educators, community health and public health professionals, and is also an essential tool for school districts and state departments of education. With chapters prepared by recognized child nutrition practitioners and academic leaders, this publication addresses the strategic needs of child nutrition programs today. This book includes an entire chapter on nutrition integrity. To order, call Aspen Publishers, Inc., at 1-800-638-8437 or online at www.Aspenpublishers.com.

School Food-Service Management For the 21st Century is a book by Dorothy Pannell-Martin, published by InTeam Associates, Inc. It promotes an understanding of a complicated program and how to manage all facets of it. This is an excellent textbook and a great hands-on reference for school foodservice managers and directors written by a former school foodservice director who is actively involved with school districts across the country. This book is available for purchase through the ASFSA Emporium at 1-800-728-0728 or online at www.asfsa.org/marketplace.

Websites

Centers for Disease Control and Prevention—For *Guidelines for School Health Programs to Promote Lifelong Healthy Eating*,

www.cdc.gov/nccdphp/dnpa/publicat.htm

Department of Public Instruction—for most current *Exemptions under the Competitive Foods Regulation* listing,

www.dpi.state.wi.us/dpi/dfm/fns/menupln

USDA Food and Nutrition Services Healthy Eating Environments—for information from the *Healthy Eating Environment Symposium*, June 1999,

www.fns.usda.gov/cnd/healthyeating

USDA Food and Nutrition Services School Lunch Program- for the full report on *Foods Sold in Competition with USDA School Meal Programs*,

www.fns.usda.gov/cnd/lunch



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School Meals

Foods of Minimal Nutritional Value

The following is taken from Appendix B of 7 CFR Part 210.

Appendix B to Part 210--Categories of Foods of Minimal Nutritional Value

(a) Foods of minimal nutritional value--Foods of minimal nutritional value are:

(1) Soda Water--A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 deg. F. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals and protein.

(2) Water Ices--As defined by 21 CFR 135.160 Food and Drug Administration Regulations except that water ices which contain fruit or fruit juices are not included in this definition.

(3) Chewing Gum--Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing.

(4) Certain Candies--Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:

(i) Hard Candy--A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers and cough drops.

(ii) Jellies and Gums--A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices.

(iii) Marshmallow Candies--An aerated confection composed as sugar, corn syrup, invert sugar, 20 percent water and gelatin or egg white to which flavors and colors may be added.

(iv) Fondant--A product consisting of microscopic-sized sugar crystals which are separated by thin film of sugar and/or invert sugar in solution such as candy corn, soft mints.

(v) Licorice--A product made predominantly from sugar and corn syrup which is flavored with an extract made from the licorice root.

(vi) Spun Candy--A product that is made from sugar that has been boiled at high temperature and spun at a high speed in a special machine.

(vii) Candy Coated Popcorn--Popcorn which is coated with a mixture made predominantly from sugar and corn syrup.

(b) Petitioning Procedures--Reconsideration of the list of foods of minimal nutritional value identified in paragraph (a) of this section may be pursued as follows:

(1) Any person may submit a petition to FNS requesting that an individual food be exempted from a category of foods of minimal nutritional value listed in paragraph (a). In the case of artificially sweetened foods, the petition must include a statement of the percent of Reference Daily Intake (RDI) for the eight nutrients listed in Sec. 210.11(a)(2) "Foods of minimal nutritional value," that the food provides per serving and the petitioner's source of this information. In the case of all other foods, the petition must include a statement of the percent of RDI for the eight nutrients listed in Sec. 210.11(a)(2) "Foods of minimal nutritional value," that the food provides per serving and per 100 calories and the petitioner's source of this information. The Department will determine whether or not the individual food is a food of minimal nutritional value as defined in Sec. 210.11(a)(2) and will inform the petitioner in writing of such determination, and the public by notice in the Federal Register as indicated below under paragraph (b)(3) of this section. In determining whether an individual food is a food of minimal nutritional value, discrete nutrients added to the food will not be taken into account.

(2) Any person may submit a petition to FNS requesting that foods in a particular category of foods be classified as foods of minimal nutritional value as defined in Sec. 210.11(a)(2). The petition must identify and define the food category in easily understood language, list examples of the food contained in the category and include a list of ingredients which the foods in that category usually contain. If, upon review of the petition, the Department determines that the foods in that category should not be classified as foods of minimal nutritional value, the petitioners will be so notified in writing. If, upon review of the petition, the Department determines that there is a substantial likelihood that the foods in that category should be classified as foods of minimal nutritional value as defined in Sec. 210.11(a)(2), the Department shall at that time inform the petitioner. In addition, the Department shall publish a proposed rule restricting the sale of foods in that category, setting forth the reasons for this action, and soliciting public comments. On the basis of comments received within 60 days of publication of the proposed rule and other available information, the Department will determine whether the nutrient composition of the foods indicates that the category should be classified as a category of foods of minimal nutritional value. The petitioner shall be notified in writing and the public shall be notified of the Department's final determination upon publication in the Federal Register as indicated under paragraph (b)(3) of this section.

(3) By May 1 and November 1 of each year, the Department will amend appendix B to exclude those individual foods identified under paragraph (b)(1) of this section, and to include those categories of foods identified under paragraph (b)(2) of this section, provided, that there are necessary changes. The schedule for amending appendix B is as follows:

<u>Actions for publication</u>	<u>May</u>	<u>Publication</u> <u>November</u>
Deadline for receipt of petitions by USDA.	Nov. 15	May 15
USDA to notify petitioners of results of Departmental review and publish proposed rule (if applicable).	Feb. 1	Aug. 1
60 Day comment period	Feb. 1 through Apr. 1	Aug. 1 through Oct. 1
Public notice of amendment of appendix B by	May 1	Nov. 1

(4) Written petitions should be sent to the Chief, Technical Assistance Branch, Nutrition and Technical Services Division, FNS, USDA, Alexandria, Virginia 22302, on or before November 15 or May 15 of each year. Petitions must include all information specified in paragraph (b) of this appendix and Sec. 220.12(b) (1) or (2) as appropriate.

Last modified: 04/28/2009



DATE: January 16, 2001

SUBJECT: National School Lunch Program/School Breakfast Program:
Foods of Minimal Nutritional Value

TO: Regional Directors
Special Nutrition Programs
All Regions

Healthy People 2010, a set of health goals and objectives developed under the direction of the Secretary of Health and Human Services, include overweight and obesity as one of the 10 leading health indicators due to the alarming rise over the past four decades in the number of overweight children, adolescents and adults. As part of an effort to counteract the rising prevalence of overweight and obesity and improve the quality of students' dietary intake, Healthy People 2010 Objective 19.15 was developed to focus specifically on the school nutrition environment. It charges us to "increase the proportion of children and adolescents, ages 6 to 19 years, whose intake of meals and snacks at school contributes proportionally to good overall dietary quality."

In the last five years, we have established new nutrition standards for school meals as part of the Healthy Meals for Healthy Americans Act of 1994, which requires consistency with the Dietary Guidelines for Americans (DGA). Significant progress has been made toward meeting the new nutrition standards. However, there are still issues that need our attention. For example, the 1994-1996 data from the Continuing Survey of Food Intakes by Individuals reveal that the vast majority of children fail to meet the dietary recommendations for daily intake of saturated fat, total fat, fiber and sodium and fail to consume the recommended milk group servings. The data also show that on a given day teenagers drink more soda and fruit drinks than milk with males being particularly heavy consumers averaging more than three servings of soda and fruit drinks a day.

To help achieve the goals of the DGA 2000 and Healthy People 2010, we have launched efforts to foster healthy school nutrition environments that support proper nutrition and the development of healthful eating habits. This memorandum will serve as a tool to support efforts to improve the school nutrition environment by reemphasizing the requirements prohibiting serving foods of minimal nutritional value (FMNV – see Appendix B to 7 CFR Parts 210 and 220) in the food service area during meal periods. This memorandum replaces earlier memoranda on this subject which were dated December 3, 1990, June 12, 1992, and July 25, 1996.

Why are FMNV prohibited in the School Meals Programs?

Section 10(a) of the Child Nutrition Act of 1966 (42 U.S.C 1799(a)) directs USDA to regulate the service of foods made available in competition with reimbursable meals served under the National School Lunch Program (NSLP) and School Breakfast Program (SBP). Further, Section 9(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)) requires lunches and breakfasts served under the NSLP and SBP to be consistent with the goals of the DGA. The goals in the recently released DGA 2000 include several recommendations on sensible food choices including the choice of a diet that is low in saturated fat and cholesterol and moderate in total fat, the choice of beverages and foods to moderate intake of sugars, and the choice of prepared foods with less salt. In addition, Section 9(f) requires that lunches provide one-third and breakfasts provide one-fourth of the Recommended Dietary Allowances for key nutrients. One means of supporting these statutory nutrition requirements is the limitation placed on the availability of FMNV.

The regulations implementing the statutory requirement on FMNV are found in Section 210.11 of the NSLP regulations and Section 220.12 of the SBP regulations, while the nutrition standards are provided in Section 210.10 of the NSLP regulations and Section 220.8 of the SBP regulations. Under the regulations on FMNV, State agencies and school food authorities (SFA) must establish rules and regulations as are necessary to control the sale of FMNV, including beverages, in competition with reimbursable school meals. At a minimum, these rules and regulations must prohibit the sale of FMNV in the food service areas during the meal periods. Additionally, State agencies and SFAs may impose other restrictions on all foods sold at anytime throughout their schools.

In order to further the nutrition goals set forth by statute and regulations, food service areas must not provide access to FMNV during student meal periods. Introducing access to FMNV violates both the statute and regulations as well as the commitment to nutrition in authorizing legislation.

How do State agencies assess compliance with the rules pertaining to FMNV?

State agencies must aggressively enforce the prohibitions on FMNV. There are three elements that State agencies must assess in order to determine if a SFA is complying with the requirements for FMNV. These are: the food service area/meal period, access to FMNV, and the use of funds in the nonprofit school food service account.

1. Food service area/meal period

The first element to assess is whether the SFA is properly designating the food service area for the purposes of restricting the service of FMNV. As stated in a

memorandum dated December 3, 1990, the term “food service area” refers to any area on school premises where program meals are both served and eaten as well as any areas in which program meals are either served or eaten. “Eating areas” that are completely separate from the “serving lines” are clearly part of the food service area. Furthermore, schools may not design their food service area in such a way as to encourage or facilitate the choice or purchase of FMNV as a ready substitute for, or addition to, program meals.

Similarly, “during meal periods” includes both the time of serving and the time the student spends eating the meal.

2. Access to FMNV

The second element to assess is access to FMNV. This assessment is two-fold. First, it is not permissible for a school to serve FMNV during a meal service period[s] in the area[s] where reimbursable meals are served and/or eaten. For example, if students are permitted to choose a FMNV (e.g., a carbonated beverage) with a reimbursable meal, that FMNV is, in effect, being served in competition with the reimbursable meal. Therefore, this practice is prohibited since it introduces access to FMNV in the food service area during the meal service period.

Secondly, the State agency is required by regulations to assure that the meal is priced as a unit. As part of the agreements between the State agency and SFAs (see Sections 210.9(b)(6) and 220.7(e)(3)), the SFA agrees to price the reimbursable lunch or breakfast as a unit. Any FMNV provided with a reimbursable meal “at no additional charge” is in fact being “sold” as part of the unit if the FMNV is only available when a reimbursable meal is taken. As such, this violates the prohibition against selling FMNV in the food service area during meal periods. Further, such arrangements violate the unit price provision in the agreement.

3. Use of funds in the nonprofit school food service account (SFSA)

The third element the State agency must assess is how the funds in the SFSA are being used. Costs charged to the nonprofit SFSA 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 allowable costs. In some circumstances, the cost of minor quantities of FMNV used to decorate or enhance a food or menu item is allowable. Any other costs of FMNV for service in the food service area during meal periods must be disallowed.

If SFSA funds are used to purchase FMNV for sale outside a meal period[s] or outside a food service area[s] during meal periods, such purchases must be self-sustaining. This means that funds must be deposited in the SFSA in an amount

sufficient to cover all direct and indirect costs relating to the purchase and service of FMNV with SFSA funds. Records documenting the recovery of these costs must be maintained and available for review.

What should a State agency do if it discovers a violation of the rules pertaining to FMNV?

For violations of the food service area/meal period and access requirements:

Although program regulations do not require fiscal action, USDA strongly encourages State agencies to exercise the authority provided in Sections 210.11 and 220.12 and disallow all meals served by a school on any day that a violation of the regulations is observed and to be diligent in monitoring compliance with corrective action plans.

For violations of use of the SFSA:

When a State agency determines that a SFA has improperly used its SFSA for the purchase and service of FMNV, the State agency must require both corrective action and restoration to the SFSA of any SFSA funds used improperly to purchase and serve FMNV.

Please make certain that State agencies receive this important clarification of the competitive food requirement. Additionally, we are asking that you are proactive in providing technical assistance to State agencies to make any needed changes in current monitoring procedures, and that you monitor State agencies' compliance with established procedures.

/s/

Stanley C. Garnett
Director
Child Nutrition Division



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

FOOD SERVICE
ADMINISTRATIVE POLICY NO. 9
SCHOOL YEAR 2009-2010

SUBJECT: On-Site Review for National School Lunch Program, School Breakfast Program, and Afterschool Snack Program

DATE: November 20, 2009

On-site reviews are a self-monitoring tool for School Food Authorities (SFA) to ensure their programs are in compliance with National School Lunch, School Breakfast, and Afterschool Snack Program regulations.

National School Lunch Program (NSLP) regulations 7 CFR 210.8 (a) (1) require that a SFA, with more than one building, must conduct an on-site review in each building *annually* before February 1. Additionally, each Afterschool Snack Program must be reviewed by the SFA two times per year [7 CFR 210.9(c) (7)]. The first review must be during the first four weeks that the snack program is in operation. The second review must be conducted during the second half of the school year.

NSLP and School Breakfast Program (SBP) On-Site Review must assess:

- *Application Approval/Direct Certification/Master Roster* – Local Educational Agency (LEA) must review all free, reduced, and denied applications to assure that they have been accurately approved and that students are receiving correct benefits to which they are entitled. Refer to *Eligibility Manual for School Meals*.
- *Meal Count Systems* – Monthly claim for reimbursement must be supported by an accurate counting system that provides an accurate count of free, reduced price, and paid meals in each building. Systems that are not allowable include tray counts, attendance counts, and “back out” counts (i.e., dividing cash box total by lunch price to arrive at paid count and subtracting that from daily total of meals served to get free count). Overt identification of students is not permitted. An actual count of meals served at the point of service is acceptable.

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- *Edit Checks* - School's daily counts of free, reduced price, and paid meals must be checked against: 1) number of children in school currently eligible for free, reduced price, and paid meals, and 2) number of attendance adjusted eligibles.
- *Meal Planning/Food Production* – Menus and meals served must be checked at each site for availability of all meal components, offer vs. serve, and required portion sizes. Refer to *A Menu Planner for Healthy School Meals*, (U.S. Department of Agriculture, Food and Nutrition Service – FNS#303-1998) at the following website:
<http://www.fns.usda.gov/cnd/menu/menu.planning.NSLP.htm>.

Afterschool Snack Program On-Site Reviews must assess:

- *Area Eligibility Meal Count System* – A site is “area eligible” if it is located at a school or in the attendance area of a school where at least 50% of enrolled children are eligible for free or reduced price meals. The site must record and report total number of snacks served each day.
- *Non-Area Eligibility Meal Count System* - Monthly claim for reimbursement must be supported by an accurate counting system that provides an accurate count of free, reduced price, and paid snacks.
- *General Operations* - Eligible programs must include education or enrichment activities in organized, structured, and supervised environments. Program must operate at the end of the normal school day.
- *Meal Patterns/Food Production* - Menus and meals served must be checked at each site for availability of all meal components and required portion sizes.

Results of Review - Problems discovered on either NSLP/SBP On-Site Review or Afterschool Snack Program On-Site Review must be discussed with the person overseeing meal service at the school building. A corrective action plan must be developed and implemented for the school building by the SFA.

In any buildings with a corrective action plan, a follow-up review must be conducted within 45 calendar days of initial review. This follow-up review must be conducted and documented by the SFA and identify that the problem(s) has been corrected.

All On-Site Review forms must be maintained by the SFA. Forms will be reviewed during the Coordinated Review Effort (CRE). NSLP regulations require all records be retained for three years plus current year or until a pending audit is closed.

Food Service Management Company (FSMC) personnel **may not** perform on-site reviews. Only employees of the SFA may perform on-site reviews.

Questions regarding this memo should be directed to the School Nutrition Training and Programs office by email to MDE-schoolnutrition@michigan.gov or phone 517-373-3347.

**NATIONAL SCHOOL LUNCH PROGRAM/SCHOOL BREAKFAST PROGRAM
ON-SITE REVIEW**

<i>School Food Authority</i>		<i>Agreement Number</i>		
<i>School Name</i>		<i>Review Date</i>		
<i>One review per building must be completed by FEBRUARY 1.</i>		Yes	No	N/A
APPLICATION APPROVAL/DIRECT CERTIFICATION/MASTER ROSTER				
1.	Are all free and reduced price applications on file correctly approved or denied?			
2.	Is correct direct certification documentation maintained?			
3.	Do names listed on master roster match approved applications on file and names on direct certification list?			
MEAL COUNT SYSTEMS				
4.	Where is Point of Service for school meals being done? <input type="checkbox"/> Cafeteria <input type="checkbox"/> Classroom <input type="checkbox"/> Other: _____			
5.	Does meal count system produce an accurate count of reimbursable meals by category (free, reduced price, and paid) served to eligible children at Point of Service?			
6.	Are only meals that meet meal pattern requirements counted and claimed for reimbursement?			
7.	Does meal count system prevent overt identification?			
8.	Does school have a backup counting system in case of mechanical failure of an automated system?			
EDIT CHECKS				
9.	For any day during review month, does number of meals claimed by category (free, reduced price, and paid) exceed number of approved free, reduced price, and paid eligible students?			
10.	For any day during review month, does number of meals claimed by category (free, reduced price, and paid) exceed number of attendance adjusted eligibles?			
11.	If number of meals claimed by category (free, reduced price, and paid) any day during review period exceeds attendance adjusted eligibles or total number of eligible students, is it evaluated and documented?			
MEAL PLANNING/FOOD PRODUCTION				
12.	Does menu for review month meet meal planning system requirements?			
13.	Does menu on day of review meet meal planning system requirements?			
14.	Are production records completed daily for all school meals program breakfast, lunch, and afterschool snack?			
15.	Do production records document enough food is prepared to meet the requirements for reimbursable meals for number of meals claimed?			
RESULTS OF REVIEW				
16.	Is a Corrective Action Plan required? Due Date for Corrective Action Plan: _____			
<i>Required Corrective Action Plan as discussed with school representative.</i>				
17.	If required, what is the due date for follow-up review within 45 days of original review? Follow-up Review Due Date: _____			
<i>Comments, Notes and Observations</i>				
X		X		

SFA Reviewer Signature

School Site Representative Signature

**AFTERSCHOOL SNACK PROGRAM
ON-SITE REVIEW**

<i>School Food Authority</i>		<i>Agreement Number</i>				
<i>School Name</i>		<i>Review Date</i>	<i>Review Number</i>			
<i>One review per building must be completed two times per school year.</i>				Yes	No	N/A
AREA ELIGIBLE MEAL COUNT SYSTEM						
1. Is site area eligible?						
2. Are children receiving snacks at no charge?						
3. Are snacks served to children being counted and claimed as free?						
4. Are snacks served to children being counted at Point of Service?						
NON-AREA ELIGIBLE MEAL COUNT SYSTEM						
5. Is site non-area eligible?						
6. Does meal count system produce an accurate count of reimbursable snacks by category (free, reduced price, and paid) served to eligible children at Point of Service?						
7. Are only snacks that meet meal pattern requirements counted and claimed for reimbursement?						
8. Does meal count system prevent overt identification?						
GENERAL OPERATIONS						
9. Time(s) of operation for snack program: _____ p.m.						
10. Is program operated after the end of the normal school day?						
11. Is there a sign-in sheet or roster of students who participate in the Afterschool Snack Program?						
12. Does program provide care for children?						
13. Is there an educational and/or enrichment element in program?						
14. Are care and activities supervised?						
MEAL PATTERN/FOOD PRODUCTION						
15. Does menu for review month meet snack meal pattern requirements?						
16. Does menu on day of review meet snack meal pattern requirements?						
17. Are production records completed daily for afterschool snack program?						
18. Do production records document enough food is prepared to meet the requirements for reimbursable snacks for the number of snacks claimed?						
RESULTS OF REVIEW						
19.	Is a Corrective Action Plan required? Due Date for Corrective Action Plan: _____					
<i>Required Corrective Action Plan as discussed with school representative.</i>						
20.	If required, what is the due date for follow-up review within 45 days of original review? Follow-up Review Due Date: _____					
<i>Comments, Notes and Observations</i>						
X		X				

SFA Reviewer Signature

School Site Representative Signature

SCHOOL POLICY GUIDELINES FOR REPLACING AND DENYING MEALS

LOST/STOLEN/MISUSED TICKETS (1, 2):

USDA's National School Lunch Program (NSLP) encourages schools to develop a policy to handle the situation when a student has a lost, stolen, or misused meal ticket. The term "ticket" is generic for any medium of exchange, including debit card systems, used to obtain a meal. When a student is without a ticket, the school may establish its own ticket replacement procedure. If the policy limits the number of tickets reissued, it must conform to the following standards:

1. The school policy must be in writing and issued as a letter to the home or as part of the student handbook.
2. A minimum of three (3) ticket replacements must be allowed for each student per year.
3. The school must keep a list of students who report lost/stolen/misused tickets.
4. The list should be consulted each time a student reports lost/stolen/misused tickets.
5. A written warning must be given at least once before the ticket replacement is denied.
 - a. It must include an explanation that the student has requested a ticket replacement due to lost/stolen/misused ticket.
 - b. It must include the number of ticket replacements issued to the student to date.
 - c. A written warning must state that the next time the student does not have a ticket he/she will either be denied a meal or will be served an alternate meal.
6. The policy must apply equally too free, reduced and full paid students.
7. Schools must always provide meals to students in grades K-2 or to students with disabilities that may make them unable to take full responsibility for their ticket.

ALTERNATE MEALS (3):

1. Schools may offer alternate meals to students who have used their three ticket replacements. There are two (2) approaches to offering alternate meals:
 - a. Schools may offer an alternate meal that is not eligible for reimbursement, for example, a cheese sandwich and milk.

- b. Schools may offer an alternate meal that is eligible for reimbursement, where the meal meets the meal pattern requirements, for example, a cheese sandwich, apple, carrot sticks, and milk.
2. The school policy can limit the number of alternate meals a student receives.

CHARGING MEALS (3,4):

1. NSLP does not regulate meals that students charge at school.
2. If a student has a charge balance, the school must provide a meal when the student is using money to pay for the current day's meal or future meals.
3. It is permissible for schools to serve only one (1) particular set of food items to children whose parents owe the school money, as long as the food items comprise a reimbursable meal.
4. If a student repeatedly comes to school with no lunch and no money, report this to the building administrator. It could be a sign of abuse or neglect.

DENYING MEALS (3,5):

1. NSLP Regulations prohibit schools from denying meals as a form of disciplinary action against free, reduced or paid students.
2. Schools may deny a meal to a student who pays reduced or full price and who does not provide the required payment for that meal.
3. If a student is in a discipline/detention situation during the lunch period, schools may serve meals that are different from the one being served in the lunchroom and in a different location as long as the meal pattern is followed and a reimbursable meal is offered.

REFERENCES

1. MDE Administrative Policy Memo #3, SY 1988-89
2. USDA FNS Instruction 765-7, Rev. 1
3. USDA MWRO FY 97 Policy Memo #5
4. USDA MWRO SMP Call Minutes 6/25/01
5. USDA FNS Instruction 791-1

COMPLIANCE GUIDANCE FOR STUDENT AND PARENT INPUT

The National School Lunch Program regulation requires that each School Food Authority obtain student and parent input on a yearly basis and keep it on file. There are many different approaches that a district can use to obtain the input.

Remember, a documented method of student and parent input must be obtained at least **once a year** and should involve representation from each level building (Elementary, Middle, High, etc.) Please keep these records on file and be prepared to show the documentation of any of these methods upon request.

Additional approaches for obtaining input:

I. Suggestions for student involvement

- Student food service advisory committee
- Lunch survey for students
- Food preference surveys
- Taste testing parties
- Youth advisory council
- Classroom kitchen tours
- Nutrition education programs
- Student menu planning
- Student poster contest
- Suggestion boxes or card files
- Student assistance in writing news articles on nutrition and/or lunch for publication

II. Suggestions for Parent Involvement

- Parent advisory committee
- Parent participation day
- Questionnaires designed for parental input
- Parent/teacher group meetings designed specifically for the lunch program analysis
- Grandparent visitation day
- Comment cards for visitors
- Set up display for parent/teacher night

III. Suggestions for Obtaining Student/Parent Input at the Same Time

- Student/parent lunch advisory committee
- Comment cards for parents and students on parent lunch day
- Involving parents to assist or participate in any student activity (Example: taste-testing parties, menu planning, classroom activities, etc.)
- Student/parent surveys (See attachment – Examples of elementary, middle and high school surveys; parent surveys)



_____ **Food Service Survey**
(Name of School District)

Dear Parents and Students:

To help us serve you better, please answer the following questions and return this form to your building food service staff or mail to the School Food Service Office at **(mailing address)**.

How many students do you have in this district? _____
Which building are they in? Elementary School _____
Middle School _____
High School _____

What is the average number of school lunches each child eats weekly?

Elementary _____ Middle _____ High School _____

What is usually thrown away? _____

Reason: Don't like it _____ Don't have time to eat it _____

Other _____

What are the favorite lunch items? _____

What is the least liked school meal? _____

What different foods would you like to see on the school menu? _____

Other changes/suggestions that you have for the Food Service Department are:

Thank you for your continued support.

(Signed)



Dear Parents:

We need your help and suggestions on how to give provide your children the best possible lunch program in your school district. We want to serve your children good meals that they enjoy, at the lowest possible prices. We also want to help you make sure that your children eat a good lunch every day at school.

You can help us offer the kind of lunch program you want by answering the attached questions. Your answers to these questions will help us make the lunch program more useful to you and your children. All your answers will be confidential.

Please take a few minutes with your child(ren) to answer these questions. Please have your child(ren) give completed questionnaire to _____.

When we get all of the questionnaires returned, we will put them together in a report. We will send you the results of the survey on the back of a future menu or in our school newsletter. If you would like to talk about these questions or the lunch program, please call me at _____. I would also like to invite you to join your child(ren) at school for lunch. The price of an adult meal is _____.

Thank you for your help.

Sincerely,

Name: _____

Date: _____

Please place an "X" by your answer or answers.

1. How often do you eat the school lunch? _____ never _____ sometimes _____ always

2. If never, why? _____ food does not taste good _____ food does not look good
 _____ too expensive _____ don't like menu choices
 _____ my friends don't eat there _____ don't like cafeteria
 _____ lines too long _____ I have no choice

3. If always, why? _____ food tastes good _____ food looks good
 _____ good value _____ like menu choices
 _____ have no choice _____ my friends eat there

4. What do you prefer for lunch?
 _____ hot dinner type lunch _____ soup & sandwiches
 _____ fast food type lunch _____ box or bag lunch
 _____ salad bar _____ yogurt
 _____ snack items _____ other

5. List five (5) of your favorite foods that are served for school lunch.

_____	_____
_____	_____

6. List five foods that you would like to see served for school lunch.

_____	_____
_____	_____
