

## E-21 (EFEA\*) Nutritious Food Choices

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

Schools are encouraged to take steps to ensure:

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

The emphasis on healthy choices applies to:

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

*[NOTE: The Board has discretion to adopt the Colorado State Board of Education's healthy beverages standards or adopt more restrictive standards. C.R.S. [22-32-134.5](#) (1), 1 CCR [301-79](#).]*

Each beverage offered for sale to students from any source, including the school cafeteria, vending machines, school stores and fund-raising activities conducted on school grounds, shall satisfy the minimum nutritional standards for beverages adopted by the State Board of Education. [Optional language: The Board imposes the following additional restrictions:

- the sale of diet soda on school campuses is prohibited.

These standards shall apply to beverages sold on campus during the regular school day and extended school day, including but not limited to extracurricular activities such as clubs, yearbook, band, student government and drama as well as childcare programs.

These standards shall not apply to the sale of beverages at school-related events where parents and other adults are invited attendees. Such activities include but are not limited to interscholastic sporting events, school plays and band concerts.

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

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

1 CCR [301-79](#) (State Board of Education - healthy beverages rules)

*NOTE 1: The USDA's regulations outline the nutrition standards for all foods sold in schools that participate in federal school meal programs under the National School Lunch Act and/or School Breakfast Act, including standards concerning saturated and trans fats, sugar, sodium and calories. 7 C.F.R. Parts 210 and 220. These "Smart Snacks in School" nutrition standards do not apply to: (1) items sold during non-school hours, weekends or off-campus fundraising events; (2) foods brought from home for personal consumption; and/or (3) fundraiser foods not intended for consumption during the school day. A special exemption from this rule is permitted for "infrequent, school-sponsored fundraisers," as determined by each state. The Colorado Department of Education (CDE) set this number*

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at three exemptions per school per school year. For more information on the USDA's "Smart Snacks in School" nutrition standards, visit CDE's Office of School Nutrition webpage or the USDA's Food and Nutrition Services webpage.

NOTE 2: In addition to the federal nutrition standards, state law prohibits schools from "making available" to students any food or beverage that contains any amount of industrially produced trans fat. C.R.S. [22-32-136.3](#) (2). The trans fat ban applies to all food and beverages made available to students on school grounds during the school day and extended school day and includes items sold through the school cafeteria, school store or vending machines located on school grounds. C.R.S. [22-32-136.3](#) (3). However, if the food or beverage sold through the cafeteria, store or vending machine is part of school fundraising efforts conducted by one or more students, teachers or parents, the trans fat ban does not apply. C.R.S. [22-32-136.3](#) (4). The law also exempts items donated to the school that are given to students for consumption off school grounds and not during the school day. *Id.*

NOTE 3: The Colorado State Board of Education's healthy beverages rules require that all beverages sold to students on school grounds during the regular school day and extended school day must meet, at a minimum, the USDA's nutrition standards for beverages sold in schools. 1 CCR [301-79](#), Rule 4.01. These federal beverage standards are listed in sample exhibit [EFEA\\*-E](#), Healthy Beverages Standards for Schools.

Adopted: June 21, 2017

## **E-21 (EFEA\*) Healthy Beverages Standards for Schools EXHIBIT**

### Healthy Beverages Standards for Schools

The healthy beverages standards for schools adopted by the State Board of Education are as follows:

#### **Beverages sold in elementary school**

- a. Plain water or plain carbonated water
- b. Up to 8 ounce servings of fat free milk (flavored or unflavored) or low fat milk (unflavored). Milk includes nutritionally equivalent milk alternatives (per USDA)
- c. Up to 8 ounce servings of 100% fruit or vegetable juice or 100% fruit or vegetable juice diluted with water and with no added sweeteners

#### **Beverages sold in middle school**

- a. Plain water or plain carbonated water
- b. Up to 12 ounce servings of fat free milk (flavored or unflavored) or low fat milk (unflavored). Milk includes nutritionally equivalent milk alternatives (per USDA)
- c. Up to 12 ounce servings of 100% fruit or vegetable juice or 100% fruit or vegetable juice diluted with water and with no added sweeteners

#### **Beverages sold in high school**

- a. Plain water or plain carbonated water
- b. Up to 12 ounce servings of fat free milk (flavored or unflavored) or low fat milk (unflavored). Milk includes nutritionally equivalent milk alternatives (per USDA)
- c. Up to 12 ounce servings of 100% fruit or vegetable juice or 100% fruit or vegetable juice diluted with water and with no added sweeteners
- d. Up to 20 ounce servings of other flavored and/or carbonated beverages that are labeled to contain fewer than 5 calories per 8 ounces or 10 or fewer calories per 20 ounces
- e. Up to 12 ounce servings of other flavored and/or carbonated beverages that are labeled to contain 40 or fewer calories per 8 ounces or 60 or fewer calories per 12 ounces

If the middle and high school students have shared access to areas on a common campus or in common buildings, then the school community has the option to adopt the high school standard.

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