

Descriptor Term:  
BEVERAGE VENDING SALES

Descriptor Code:  
6.2350

Legal References: National School Lunch Act, 42 U.S.C. 1751 et seq., 7 C.F.R. 210.11; 7 C.F.R. 3016.36; G.S. 115C-263, -264, -264.2, -264.3; 16 N.C.A.C. 6H .0104; State Board of Education Policy TCS-S-000; Eat Smart: North Carolina's Recommended Standards for All Foods in Schools, N.C. Department of Health and Human Services, N.C. Division of Public Health (2004)

Cross References: 6.2000 Goals of Child Nutrition, 6.2200 Operation of Child Nutrition, 6.2300 Nutritional Standards for Food Selection

## 1. REQUIREMENTS FOR BEVERAGE VENDING SALES

The board permits each school to sell beverages to students in vending machines during the regular and extended school day subject to the following requirements:

- (1) Soft drinks may not be sold (a) during the breakfast and lunch periods; (b) at elementary schools; or (c) contrary to the requirements of the National School Lunch Program.
- (2) Any foods sold between 12:01 a.m. and the end of the last lunch period must be sold through the child nutrition department and the child nutrition department will retain the proceeds.
- (3) Sugared carbonated soft drinks, including mid-calorie carbonated soft drinks, may not be offered for sale in middle schools.
- (4) Not more than fifty percent (50%) of the offerings for sale to students in high schools may be sugared carbonated soft drinks.
- (5) Bottled water products must be available in every school that has beverage vending.

Diet carbonated soft drinks are not considered in the same category as sugared carbonated soft drinks.

The extended school day includes activities such as extracurricular club meetings, yearbook, band and chorus practice, student government, drama, and childcare/latchkey programs. The extended school day does not include school-related events at which parents and other adults constitute a significant portion of the audience or are selling beverages as part of parent teacher organizations (PTO's) or booster club activities. Examples of such school-related events include interscholastic sporting events, school plays and band/orchestra concerts. Nothing in this policy is intended to prohibit or restrict the sale of beverages, including soft drinks: (a) after the end of the extended school day; (b) on weekends; or (c) during school vacations or holidays.

## 2. BIDDING REQUIREMENTS

Federal procurement procedures must be followed for all beverage vending contracts that include in whole or in part products to be resold by the child nutrition program. In addition, the superintendent or designee may employ either of the following bidding procedures:

- (1) Publish requests for separate bids for beverages to be sold through the child nutrition program and bids or requests for proposals for beverages not to be sold through the child nutrition program; or
- (2) Combine requests for bids for both beverages to be sold through the child nutrition program and beverages not to be sold through the child nutrition program. Proceeds from any combined child

nutrition program/non-child nutrition program beverage vending contract must be divided between the child nutrition program and the individual school account, such that proceeds accruing on school days from 12:01 a.m. until the end of the last established lunch period are deposited into the child nutrition program account. Any proceeds from sales that are not due to the child nutrition program must be appropriately accounted for and used by the individual school for school purposes only.

All beverage vending contracts must be approved by the board of education unless, upon the recommendation of the superintendent, the board specifically delegates such authority to school personnel.