

CHAPTER 51

05-071 DEPARTMENT OF EDUCATION

Chapter 51: CHILD NUTRITION PROGRAMS IN PUBLIC SCHOOLS AND INSTITUTIONS

SUMMARY: This chapter contains state regulations which supplement federal regulations pertaining to the National School Lunch Program (which includes the After School Snack), the School Breakfast Program, and the School Milk Program.

1. Definitions

- A. “Foods of minimal nutritional value” as defined in 7 CFR 210.11, means: (a) In the case of artificially sweetened foods, a food which provides less than 5 percent of the Reference Daily Intake (RDI) for each of the eight specified nutrients per serving; (b) in the case of all other foods, a food which provides less than 5 percent of the RDI for each of eight specified nutrients per 100 calories and less than 5 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. This definition is applicable to the foods that are part of the total food service program of the school, and foods and beverages sold at food sales, school stores, and in vending machines.
- B. “Total Food Service Program” means:
- (i) the “Milk Program”, which in turn means the federal program under which fluid types of milk as defined in 7 CFR 215 are offered; or
 - (ii) the “Breakfast Program”, which in turn means the federal program under which a breakfast that meets the nutritional requirements set forth in 7 CFR 220 is offered; or
 - (iii) the “National School Lunch Program” (which includes the After School Snack), which in turn means the federal program under which the school operates a nonprofit lunch program that meets the requirements set forth in 7 CFR 210, and includes food provided in after school programs as defined in 7 CFR 210.2, and that meets the requirements of 7 CFR 210.10; or
 - (iv) any combination of the above.

2. Restriction on Sale of Foods in Competition with the Total Food Service Program

Beginning July 1, 2005, any food or beverage sold at any time on school property of a school participating in the National School Lunch or School Breakfast Programs shall be a planned part of the total food service program of the school and shall include only those items which contribute both to the nutritional needs of children and the development of desirable food habits, and shall

not include foods of minimal nutritional value as defined in Section 1 above, except that the local school board or the Career and Technical Education Region/Center cooperative board, established in accordance with 20-A MRSA Section 8301-A(6), may permit, by policy, the sale of food and beverages outside the total food service program:

- A. to school staff;
- B. to the public at community events sponsored by the school or held on school property;
- C. to the public at community events held on school property in accordance with the school board's facilities use policy;
- D. in State-approved, instructional Career and Technical Education (CTE) Culinary Arts Programs; and
- E. by a school, approved student organization or program if consistent with the requirement that such sales not include foods of minimal nutritional value as defined in 7 CFR, Section 210.11(a)(2).

Funds from all food and beverage sales made at any time on school property shall accrue to the benefit of the school's non-profit school food service program, except that the local school board or the Career and Technical Education Region/Center cooperative board, established in accordance with 20-A MRSA Section 8301-A(6), may establish, by policy, a process whereby a school, approved student organization, or sponsor of an event held in accordance with 2C above is allowed to benefit from the sale of food and beverages. This includes foods and beverages sold at food sales, community events, school stores, and in vending machines.

3. Maximum Price for School Meals

The maximum charge to children shall be set annually by the Department in consultation with the Superintendents of Schools School Nutrition Programs Advisory Committee.

4. Accounts and Records

Sponsors shall file claims on a monthly basis with the Division of School Nutrition Programs on a form provided by the Division. Claims shall be filed by the 8th day of the month following month covered by the claim. Sponsors shall maintain accurate records of income and expenditures, inventories, daily service counts, and other pertinent records to provide data required on the claims for reimbursement.

STATUTORY AUTHORITY: 20-A MRSA, Section 6602

EFFECTIVE DATE:

October 30, 1978

READOPTED:

August 31, 1979

AMENDED:

February 16, 1989 - Section 2

April 29, 1991

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 19, 1996

AMENDED:

July 17, 2005 – filing 2005-280

January 29, 2006 – filing 2006-37

NON-SUBSTANTIVE CORRECTIONS:

February 13, 2006