

School Nutrition Program

The district will operate a school nutrition program which shall be under the overall supervision of the district's director of nutrition services.

The director of nutrition services shall cooperate with each school principal in matters essential to the proper functioning of each school's nutrition program. The responsibility for control of students using the school cafeteria shall rest with the building principal.

Nutritional services shall provide lunches and breakfasts, through participation in the National School Lunch Program and School Breakfast Program.

The Board shall approve the prices set for meals and the price of beverages.

ADOPTED: 2010

Revised: July 2014

Revised: March 2015

Revised: December 2019

Revised: March 2020

Revised: June 2023

LEGAL REFS.: 42 U.S.C. 1751 *et seq.* (National School Lunch Act)
7 C.F.R. Part 210 (National School Lunch Act regulations)
7 C.F.R. Part 220 (School Breakfast Program regulations)
7 C.F.R. Part 245.6 (application, eligibility, and certification of children for free and reduced price meals)
C.R.S. 22-32-120 (food services)
C.R.S. 22-32-134.5 (healthy beverage requirement)
C.R.S. 22-32-136.3 (trans fat ban)
C.R.S. 22-82.7-101 *et seq.* (Start Smart Nutrition Program provides funding to eliminate amount students who qualify for reduced priced meals pay in school breakfast program)
C.R.S. 22-82.9-101 *et seq.* (Child Nutrition School Lunch Protection Program provides funding to eliminate amount students in preschool through twelfth grade pay for school lunch program, if they qualify for reduced price meals)
C.R.S. 22-82.9-201 *et seq.* (Healthy School Meals for All Program provides funding to offer free meals for all students, in addition to additional funding in the form of grants)
1 CCR 301-3 (State Board of Education – competitive food service rules)
1 CCR 301-79 (State Board of Education – healthy beverages rules)
1 CCR 301-114 (State Board of Education - Healthy School Meals for All Program rules)

CROSS REF.: EFC, Free and Reduced-Price Food Services
EFEA*, Nutritious Food Choices

NOTE 1: 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 2: 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 its rule is permitted for “infrequent, school-sponsored fundraisers,” as determined by each state. The Colorado Department of Education (CDE) set this number at three exemptions per school per school year. For more information on the “Smart Snacks in School” nutrition standards, visit CDE’s Office of School Nutrition webpage or the USDA’s Food and Nutrition Services webpage.

NOTE 3: Schools that participate in the National School Lunch Program and have seventy percent or more students eligible for free or reduced-cost lunch must offer a free breakfast to each student. C.R.S. 22-82.8-103 (3)(b). The breakfast may be served at a time determined by the school, as long as it occurs after the first bell. C.R.S. 22-82.103 (3) (c). Small rural districts with a student population of less than 1,000 students are exempt from this requirement and there is also flexibility for other specific situations (e.g. funding decrease, before-school care programs).

NOTE 4: The Local School Food Purchasing Program is a grant program that encourages school districts that participate in the National School Lunch Program to purchase food products from Colorado growers, producers, and processors. The grant program reimburses participating providers for the amount of Colorado food that the provider purchased in the previous school year. *Due to the passage of the Healthy School Meals for All Program, described in Note 5, this program will be terminated effective January 1, 2024.* C.R.S. 22-100-101 et seq.

NOTE 5: The Healthy School Meals for All Program is an optional program that offers free meals to students who are not eligible for free or reduced-price meals under the federal school meals programs. Participating School Food Authorities must offer the federal National School Lunch or School Breakfast program for all eligible schools in order to be eligible and maximize the amount of federal funding they can receive by participating in the Community Eligibility Provision (CEP) to the extent possible. Starting in the 2024-2025 school year, the program creates various grants and stipends available to schools. These include a local food processing grant for schools to purchase Colorado grown, raised, or processed products; a school meals food preparation and service employees wage increase or stipend; and a local school food purchasing technical assistance and education grant program. To opt into this program, a school food authority must notify the CDE School Nutrition Unit of participation prior the beginning of each school year, participate in the CEP and implement School Breakfast and National School Lunch programs at all eligible CEP schools, and serve free meals to all students at participating schools in both community eligible and non-community eligible schools.