

**OFFICE OF CHIEF OPERATIONS OFFICER**  
**Summary of State Board of Education Agenda Items**  
**Consent Agenda**  
**February 18, 2016**

**OFFICE OF CHILD NUTRITION**

C. Repeal the following State Board policies:

(Has cleared the Administrative Procedures Act with no public comment)

1. Repeal of State Board Policy Part 3, Chapter 38, Rule 38.3– Beverage Regulations [Goals 1 and 2 – MBE Strategic Plan]
2. Repeal of State Board Policy Part 3, Chapter 38, Rule 38.4 – Snack Regulations [Goals 1 and 2 – MBE Strategic Plan]

**Executive Summary**

State Board Policy Part 3, Chapter 38, Rule 38.3 – Beverage Regulations and State Board Policy Part 3, Chapter 38, Rule 38.4 – Snack Regulations are being repealed due to the implementation of Smart Snacks Standards by the United States Department of Agriculture (USDA) through the authority of Healthy Hunger-Free Kids Act of 2010 (HHFKA).

The proposed State Board Policy Part 3, Chapter 17, Rule 17.10 will replace policies Part 3, Chapter 38, Rule 38.1 and Rule 38.4.

These items reference Goals 1 and 2 of the *Mississippi Board of Education 2016-2020 Strategic Plan*.

Recommendation: Approval

Back-up material attached

DESCRIPTOR TERM: Beverage Regulations

CODE: 4003

ADOPTION DATE: October 20, 2006

REVISION:

~~The State Board of Education shall adopt beverage regulations for school district compliance of what products can be sold and when on a school campus.~~

### **~~Beverage Regulations for Mississippi Schools~~**

~~The Mississippi Board of Education recognizes the critical role that adequate hydration plays in healthy weights, disease prevention, and dental health, as well as academic performance. The fluid and nutrition needs of young people at school are best met through well-balanced, nutrient-rich school meals provided through Child Nutrition Programs, planned by nutrition professionals following US Department of Agriculture (USDA) guidelines.~~

### **~~Time of Day~~**

~~The following beverage regulations apply to all Mississippi school campuses during the regular and extended school day defined as the hours between 7:00 am and 4:00 pm. The extended school day includes activities such as clubs, yearbook, band and choir practice, student government, drama and childcare / latchkey programs.~~

~~This beverage policy does not apply to school-related events; such as interscholastic sporting events, school plays, and band concerts; where parents and other adults constitute a significant portion of the audience or are selling beverages as boosters.~~

### **~~Implementation~~**

~~As of the 2007–2008 school year, all full-calorie, sugared carbonated soft drinks shall no longer be sold to students in Mississippi schools during the school day.~~

~~As of the 2008–2009 school year, only the following options MAY be available for beverage vending:~~

### **~~Beverages~~**

#### **~~Elementary School~~**

- ~~• Bottled water~~

- ~~Low fat and non fat regular and flavored milk\* with up to 160 calories / 8 ounces~~
- ~~Up to 8 ounce serving of milk and 100% juice\*\*~~
- ~~100% juice\*\* with no added sweeteners and up to 120 calories / 8 ounces~~

#### Middle School

- ~~Same as elementary school, except juice and milk may be sold in 10 ounce servings\*\*\*~~

#### High School

- ~~Bottled water~~
- ~~No or low calorie beverages with up to 10 calories / 8 ounces~~
- ~~Up to 12 ounce servings milk, 100% juice\*\*, light juice and sports drinks~~
- ~~Low fat and non fat regular and flavored milk with up to 160 calories / 8 ounces  
100% juice\*\* with no added sweeteners and up to 120 calories / 8 ounces~~
- ~~Light juices and sports drinks with no more than 66 calories / 8 ounces~~
- ~~At least 50% of beverages must be water and no or low calories options~~

~~\*Milk includes nutritionally equivalent milk alternatives (per USDA), such as soymilk.~~

~~\*\* 100% juice that contains at least 10% of the recommended daily value for three or more vitamins and minerals.~~

DESCRIPTOR TERM: Snack Regulations  
CODE: 4004  
ADOPTION DATE: October 20, 2006  
REVISION:

### **~~Snack Regulations for Mississippi Schools~~**

~~The Mississippi Board of Education recognizes the critical roles that optimal nutrition play in healthy weights, disease prevention, and dental health, as well as academic performance. The nutrition needs of young people at school are best met through well-balanced, nutrient-rich school meals provided through Child Nutrition Programs, planned by nutrition professionals following US Department of Agriculture (USDA) guidelines.~~

~~The following regulations apply to all Mississippi school campuses during the school day defined as the hours between 7:00 am and 4:00 pm. To protect the integrity of the Child Nutrition Programs and to ensure that children do not have to choose between the School Lunch/Breakfast programs and vended items, schools shall follow the Competitive Food policy EEH.~~

~~Food sales outside of Child Nutrition Programs, including vending machines, student stores, snacks bars, and other fundraising programs, are available in Mississippi schools at the discretion of the school district. When schools decide to offer vending, they shall provide a selection of healthful food options to students, with the following overall goals:~~

- ~~1. Minimize excessive intake of calories, especially empty calories from fat and sugar.~~
- ~~2. Increase intake of nutrients for optimal growth, development, and brain functioning, especially from nutrient-rich, minimally processed foods like whole grains, fruits, vegetables, nuts, seeds, lean meats, and dairy foods.~~
- ~~3. Develop marketing and nutrition education strategies to promote healthful options to all students, families, and school staff.~~

~~The following regulations cover all foods through vending machines, student stores, snack bars, fundraisers, and other sales available to students. Research supports that proper nutrition improves the health and performance of teachers, as well as students. Teachers also serve as important adult role models to children. With these factors in mind, at least 50 percent of the items vended in staff areas (those inaccessible to students) shall meet these regulations.~~

~~These regulations shall not be applicable to nor restrict the food items made available at school-related events (such as interscholastic sports, school plays, band concerts, or family events) where adults constitute a significant portion of the audience or are selling foods in booster programs.~~

**FOR GRADES 7-12:**

The following restrictions will govern food items that may be offered for sale. To assist schools in complying with these regulations, the Mississippi Department of Education, Office of Child Nutrition will maintain a list of products meeting the standards. Food vendors must submit nutrition information on food products in order to have them included on the list.

**NOTE:** Vending to elementary students (grades K-6) may be appropriate in districts where school lunches are served early in the day (10:30 to 11:00 am). In order to promote optimal learning in the afternoon, the Mississippi Board of Education recognizes that the foods allowed in grades 7-12 may also be sold to children in grades K-6 at the discretion of the school district.

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**Snacks, Bars, and Dessert Items**

This category includes, but is not limited to chips, crackers, popcorn, cereal, trail mix, nuts, seeds, peanut butter and other nut butters, jerky, cookies, animal/graham crackers and cereal bars, granola bars, bakery items (e.g., pastries, toaster pastries, muffins, soft pretzels), frozen desserts, ice cream, cheese, yogurt and smoothies (made with low-fat yogurt or other low-fat dairy alternatives and/or fruit/juice).

Based on manufacturer's nutritional data or Nutrition Facts labels, all foods must meet the following criteria per package:

- **Key Nutrients:** At least 5% of the recommended Daily Value (DV) for three or more nutrients (fiber; vitamins A, C, D, E; thiamin, niacin, riboflavin, calcium, iron, and zinc). At least 3 grams protein per package may be substituted for one of the listed nutrients. Schools are encouraged to offer foods that:
  - Are good sources (at least 10% of the recommended Daily Value or DV) of one or more nutrients listed above.
  - Contain at least 5 grams protein.
  - List a whole grain as the first item on the ingredient list.
- **Total Calories:** No more than 200 calories per package.
- **Fat:** No more than 35 percent of total calories from fat and 7 grams maximum (with the exception of nuts, seeds, peanut and other nut butters, and cheeses).
- **Saturated Fat and Trans Fat:** No more than 10 percent of calories from saturated fat and/or trans fat and 2 grams maximum (with the exception of nuts, seeds, peanut and other nut butters, and cheeses).
- **Added Sugar:** No more than 35 percent added sugar by weight and 15 grams maximum (excludes sugars naturally occurring in fruits, vegetables, and dairy). For smoothies (made with low-fat yogurt or other low-fat dairy alternatives and/or

fruit/juice), yogurt and pudding, no more than 5 grams total sugar (added and naturally occurring) per ounce.

### **Fruits and Vegetables**

Include quality\* fruits and vegetables available anywhere snack items are sold. For example, dried fruit in vending machines, fresh fruit (e.g., pineapple slices or melon cubes), or fresh vegetables (e.g., baby carrots) in snack bars and concessions.

Based on manufacturer's nutritional data or Nutrition Facts labels, all foods must meet the following criteria per package:

- **Key Nutrients:** At least 5% of the recommended Daily Value (DV) for three or more nutrients (fiber; vitamins A, C, D, E; thiamin, niacin, riboflavin, calcium, iron, and zinc). Schools are encouraged to offer foods with at least 10% of the recommended Daily Value (DV) for one or more of these nutrients.
- **Total Calories:** No more than 200 total calories.
- **Fat:** No more than 35 percent of total calories from fat and 7 grams maximum.
- **Saturated Fat and Trans Fat:** No more than 10 percent of calories from saturated fat and/or trans fat and 2 grams maximum.
- **Added Sugar:** No more than 35 percent added sugar by weight and 15 grams maximum (excludes sugars naturally occurring in fruits and vegetables).

\* **“Quality” means fruits and vegetables prepared and packaged without added fat, sugar, or sodium**

### **Timeline**

To allow for improved availability of food products, these regulations will be phased in on the following schedule:

#### **School year 2006-07:**

- For each vending location, at least 50% of all vended foods offered must meet the standards listed above.

#### **School year 2007-08:**

- For each vending location, at least 75% of all vended foods offered must meet the standards listed above.

#### **School year 2008-09:**

- All vended foods offered must meet the standards listed above.