

BUSINESS SERVICES

OPERATIONS

CHILD NUTRITION SERVICES

CONTRACTS FOR ADVERTISING AND THE SALE OF FOOD AND BEVERAGES
(Exclusive of Charter Schools)

The Board has determined that it is in the best economic interest of District students for the District to enter into contracts that grant exclusive or non-exclusive rights to advertise carbonated beverages or grant the right for the exclusive or non-exclusive sale of carbonated beverages, non-nutritious beverages, and non-nutritious food within the District to a person, business, or corporation.

Prior to entering into the contract, the District must adopt this Board Policy after conducting a public hearing of the Governing Board and must comply with Education Code Section 35182.5 and with the internal controls set forth in AR 3312.1 to protect the integrity of the public funds, to ensure that funds raised benefit public education, and to ensure that the contracts are entered into on a competitive basis pursuant to procedures contained in Section 20111 of the Public Contract Code or through the issuance of a Request for Proposal. In addition, in accordance with Education Code Section 35182.5(c)(1)(B), the District must provide parents, guardians, pupils, and members of the public the opportunity to comment on the contract by conducting a public hearing on the contract during a regularly scheduled Board meeting. The planned discussion of such contract must be clearly identified in the agenda for the Board meeting.

The public hearing requirement may be met by either of the following methods:

- A. Review of the contract at a public hearing by a Child Nutrition and Physical Activity Advisory Committee established pursuant to Section 49433 that has contract review authority for the sale of food and beverages.
- B. An annual public hearing to review and discuss existing and potential contracts for the sale of food and beverages on campuses, including food and beverages sold as full meals, through competitive sales and as fundraisers.

The public hearing shall include, but not be limited to, a discussion of all of the following:

1. The nutritional value of food and beverages sold within the District.
2. The availability of fresh fruit, vegetables, and grains in school meals and snacks, including, but not limited to, locally grown and organic produce.

3. The amount of fat, sugar, and additives in the food and beverages discussed.
4. Barriers to pupil participation in school breakfast and lunch programs.

If the District decides to fulfill its public hearing requirement through an annual public hearing, it must nonetheless hold a separate public hearing for contracts not discussed at the annual public hearing.

The District shall make accessible to the public any contract entered into pursuant to Education Code Section 35182.5(c)(1).

Legal References: Education Codes 35182.5 Limitations on Contracts;
49431.5, Sale of Beverages to Pupils at Elementary, Middle or Junior
High Schools;
49433, Advisory Committees;
Public Contract Code 20111, Competitive Bidding

Revised: June 17, 2014 (Adopted: June 7, 2005)