



# **Illinois State Board of Education**

## **Guidance Document**

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## **SCHOOL FOOD SERVICE RULES (23 Illinois Administrative Code 305)**

**Christopher A. Koch, Ed. D., State Superintendent**

### **Illinois State Board of Education**

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## Table of Contents

	<b>Page</b>
Introduction	4
Illinois Free Lunch and Breakfast Programs (305.10)	5
Sale of Foods and Beverages in Participating Schools (305.15)	6
Student Workers (305.20)	11
Government-Donated Commodities (305.30)	12
<b>Appendices</b>	
Appendix A: Rules Part 305 School Food Service	15
Appendix B: Summary Tables of Applicable Rules	
B-1: Summary Table of Applicable Rules	23
B-2: Summary Table of Applicable Illinois Food and Beverage Requirements	24
Appendix C: Foods and Beverages Exempted From the Foods of Minimal Nutritional Value (FMNV) Regulations	25
Appendix D: Worksheets to Determine Foods That May Be Sold	
D-1: Blank Worksheet	26
D-2: Sample #1	27
D-3: Sample #2	28
Appendix E: Request for Exemption From Food and Beverage Requirements (ISBE Form 69-10)	29

# Illinois State Board of Education Nutrition Programs Division

## Introduction

Illinois State Board of Education's (ISBE) Nutrition Programs Division developed this guidance document to assist schools and other entities in the implementation of rules governing School Food Service (23 Illinois Administrative Code 305; see [Appendix A](#)). The rules are effective as of October 17, 2006. Schools may use the summary tables contained in [Appendix B](#) to determine which sections of the rules and which food and beverage requirements are applicable to them.

ISBE anticipates revisions to the food and beverage requirements as a result of the recommendations to be made by the Illinois School Wellness Policy Task Force. This Task Force was charged by the Illinois General Assembly to recommend statewide nutrition standards no later than January 1, 2007.

ISBE Nutrition Programs Division is available to answer questions regarding the School Food Service Rules and may be reached at 217-782-2491 or 800-545-7892 (Illinois only) or by email at [cnp@isbe.net](mailto:cnp@isbe.net). Additional information may also be found at <http://www.isbe.net/nutrition/htmls/rules.htm>.

## **Illinois Free Lunch and Breakfast Programs** (SECTION 305.10)

Section 305.10 addresses requirements for school districts and others that receive state reimbursement under the Illinois Free Lunch and Breakfast Programs. The rules clarify the requirement of all public schools to offer a free meal (lunch required, and breakfast required if the school operates a free breakfast program) to students eligible to receive such meals as determined under the regulations governing the federal School Breakfast Program and the National School Lunch Program.

**1. Every public school is required to provide a free meal to students eligible to receive free meals. My school does not participate in the National School Lunch Program or School Breakfast Program. How is a student determined to be eligible for free meals?**

Students must receive free meals if they are eligible to receive food stamps or Temporary Assistance to Needy Families (TANF), or if their household income falls within guidelines published annually by the United States Department of Agriculture (USDA). These Income Eligibility Guidelines are posted annually on our website at <http://www.isbe.net/nutrition/htmls/data.htm#income>.

Some students eligible for free meals may receive a letter from ISBE certifying they are eligible for free meals. This is referred to as an Eligibility Certificate that automatically qualifies them for free meals. If the household does not receive an Eligibility Certificate, eligibility is best determined by asking households each school year to complete the Household Eligibility Application for the Illinois Free Lunch and Breakfast Programs application provided by ISBE at [http://www.isbe.net/nutrition/htmls/household\\_eligibility.htm](http://www.isbe.net/nutrition/htmls/household_eligibility.htm). The form contains the required information to process applications in the federal programs and can be used by schools for the state-funded program. While schools are not required to use this form, they must have a procedure in place to determine whether students are eligible for free meals.

**2. Is a school required to seek reimbursement for meals served to students eligible for free meals?**

It is the option of the public or nonpublic school to seek reimbursement through the state-funded Illinois Free Lunch and Breakfast Program. For school year 2006–2007, the current rate of reimbursement is \$0.1150 per each free breakfast and/or lunch. Reimbursement rates are posted annually at <http://www.isbe.net/nutrition/htmls/data.htm>. Contact the Nutrition Programs Division for more information on claiming meals for reimbursement through the Illinois Free Lunch and Breakfast Programs.

**3. A student who is eligible for free meals is enrolled in a public school; however, the student is placed in a facility (public or nonpublic) that does not provide meal services. Is the public school required to provide free meals to the student?**

The public school in which the student is enrolled is responsible for ensuring the enrolled student receives a free meal by providing the meal or making arrangements for the student to receive a meal. Under these circumstances, the free meal is eligible for state reimbursement through the Illinois Free Breakfast and Lunch Program only.

**4. My school is seeking reimbursement through the state-funded Illinois Free Lunch and Breakfast Program. What must the school serve?**

The meals must meet the definition of a federal reimbursable meal. Federal regulations require the lunch meal contain a serving in the appropriate size of the following items: meat/meat alternate, bread/grain, two servings of fruits/vegetables, and fluid milk at a minimum. The breakfast meal must contain a serving in the appropriate size of the following items: two servings of meat/meat alternate and/or bread/grain, a serving of fruit/vegetable, and fluid milk at a minimum. Additional information on the meal requirements set forth in the federal regulations may be found at [http://www.isbe.net/nutrition/htmls/forms\\_sbn.htm](http://www.isbe.net/nutrition/htmls/forms_sbn.htm).

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**Sale of Foods and Beverages in Participating Schools**  
(SECTION 305.15)

This section establishes criteria that participating schools must follow when selling foods and beverages to students in grade 8 and below before and during the regular school day. It is important to note that only those schools that participate in the *federal* School Breakfast or National School Lunch Programs must adhere to the requirements when making choices about the beverages and foods to be sold to students. For a summary of applicable food and beverage requirements, see [Appendix B-2](#).

The food and beverage requirements do not affect foods and beverages sold to students as part of a reimbursable meal nor to foods sold to students within the food service areas during the meal periods. The beverage requirements are applicable throughout the school building before and during the regular school day including meal periods.

In addition, this section outlines the process a participating school may use for the 2006–2007 school year to request an exemption from the food and beverage requirements if the school district has an existing contract or grade structure that will not allow implementation.

**5. Who do the food and beverage requirements affect?**

The food and beverage requirements affect participating schools that enroll students in grades 8 or below. A participating school is any public or nonpublic school that participates in the federal School Breakfast Program or the National School Lunch Program. The food and beverage requirements do not affect schools that participate only in the Special Milk Program.

**6. What are the food and beverage requirements?**

Food Requirements

Foods sold to students in grades 8 or below outside of food service areas or within food service areas other than during meal periods shall include only:

- Nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruits or non-fried vegetables, or low-fat yogurt products; or
- Any food item that meets all of the following criteria:
  - Total calories from fat do not exceed 35 percent;
  - Total calories from saturated fat do not exceed 10 percent;
  - Total amount of sugar by weight does not exceed 35 percent; and
  - Calories do not exceed 200.

Updated  
11/16/06

### Beverage Requirements

Beverages sold to students in grades 8 or below before or during the regular school day including the meal periods shall include only:

- Flavored or plain whole, reduced-fat (2 percent), low-fat (1 percent), or nonfat fluid milk that meets State and local standards for pasteurized fluid milk;
- Reduced-fat and enriched alternative dairy beverages (i.e., rice, nut, or soy milk, or any other alternative dairy beverage approved by the United States Department of Agriculture (USDA));
- Fruit and vegetable drinks containing 50 percent or more fruit or vegetable juice;
- Water (non-flavored, non-sweetened, and non-carbonated);
- Fruit smoothie (yogurt or ice-based) that contains less than 400 calories and no added sugars, and is made from fresh or frozen fruit or fruit drinks that contain at least 50 percent fruit juice; and
- Any beverage exempted from the USDA's list of Foods of Minimal Nutritional Value (see [Appendix C](#)).

#### **7. What is a reimbursable meal?**

A reimbursable meal is a meal that meets the federal regulations for a reimbursable meal. Federal regulations require the lunch meal contain a serving in the appropriate size of the following items: meat/meat alternate, bread/grain, two servings of fruits/vegetables, and fluid milk at a minimum. The breakfast meal must contain a serving in the appropriate size of the following items: two servings of meat/meat alternate and/or bread/grain, a serving of fruit/vegetable, and fluid milk at a minimum. Additional information on the meal requirements set forth in the program regulations may be found at [http://www.isbe.net/nutrition/htmls/forms\\_sbn.htm](http://www.isbe.net/nutrition/htmls/forms_sbn.htm).

#### **8. What is the food service area?**

The food service area is any area on school premises where reimbursable meals are served and/or eaten.

#### **9. What is the meal period?**

The meal period is the period of time when breakfast or lunch is regularly served and the time scheduled for students to eat the meal.

#### **10. Do the beverage requirements affect the reimbursable meal?**

Beverages sold as part of a reimbursable meal do not need to meet the state beverage requirements. However, participating schools must follow federal regulations that prohibit the sale of foods of minimal nutritional value (FMNV) during meal periods within food service areas. Beverages listed as FMNV include soda water and water ices. However, some soda water and water ices are exempted by USDA from this regulation. For the list of exempted beverages that may be sold, see [Appendix C](#).

#### **11. Do beverage requirements affect beverages sold within the food service areas outside of the reimbursable meals?**

Beverages sold to students in grades 8 or below within food service areas before or during the regular school day including the meal period must meet the beverage requirements.

**12. Do beverage requirements affect beverages sold outside of the food service areas?**

Beverages sold to students in grades 8 or below outside of the food service areas before and during the regular school day including the meal period must meet the beverage requirements.

**13. Do the food requirements affect the reimbursable meal?**

Foods sold as part of a reimbursable meal do not need to meet the state food requirements. However, participating schools must follow federal regulations that prohibit the sale of FMNV during meal periods within food service areas. Foods listed as FMNV include chewing gum and certain candies (hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy, and candy coated popcorn). However, some of these food items are exempted by USDA from this regulation. For the list of exempted foods that may be sold, see [Appendix C](#).

**14. Do the food requirements affect foods sold to students within the food service areas outside of the reimbursable meals?**

Within the food service area during the meal period, the food requirements do not apply except for prohibiting participating schools in which classes of grades 5 and below are operating from selling confections, candy, and potato chips. For the most part, a la carte and second entrées are not affected by the food requirements.

Within the food service area other than during the meal period, foods sold to students in grades 8 or below must meet the food requirements.

**15. Do the food requirements affect foods sold outside of the food service areas?**

Foods sold to students in grades 8 or below outside of the food service areas before and during the regular school day including the meal period must meet the food requirements. In addition, participating schools with students in grades 5 and below are prohibited from selling confections, candy, and potato chips during meal periods.

**16. May organizations conduct fundraising at a participating school by selling beverages and/or foods to students in grades 8 or below?**

Fundraising, conducted before or during the regular school day, may occur provided the beverages and/or foods sold to students in grades 8 or below in participating schools adhere to the food and beverage requirements. However, if fundraising is conducted using foods or beverages in the food service area during the meal periods, the rules continue to require all revenue from the sale of any food or beverage to accrue to the nonprofit school lunch program account.

**17. May organizations conduct fundraising at a participating school by selling beverages and/or foods to students in grades 9 and above?**

The food and beverage requirements do not apply to schools with students in grades 9 and above. Therefore any food or beverage may be sold to these students for fundraising purposes. However, if fundraising is conducted using foods or beverages in the food service area during the meal periods, the rules continue to require all revenue from the sale of any food or beverage to accrue to the nonprofit school lunch program account.

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10/25/06



**18. Are food and beverages given to students as incentives, rewards or treats required to meet the food and beverage requirements?**

If an incentive, reward or treat is given to a student, the food and beverage requirements do not apply. The food and beverage requirements only apply to items sold to students in grades 8 or below before and during the regular school day.

**19. Are foods and beverages sold during athletic events and other school functions subject to the food and beverage requirements?**

Athletic events and other school functions held after the regular school day are not subject to the food and beverage requirements. The food and beverage requirements only apply to items sold to students in grades 8 or below before or during the regular school day.

**20. Are foods and beverages sold to adults subject to the food and beverage requirements?**

Foods and beverages sold to adults in the teachers' lounge, cafeteria, or other school areas are not subject to the food and beverage requirements.

**21. The food and beverage requirements address certain nutritional information for foods that may be sold. Where can school personnel find the required nutritional information?**

Nutritional information may be found on the Nutrition Facts label for most products packaged for individual sale. If a Nutrition Facts label is not available, contact the vendor to request nutritional information for specific products or visit the manufacturers' websites to obtain nutritional information online. If the item is a government-donated commodity, product fact sheets are available on the USDA's website at <http://www.fns.usda.gov/fdd/facts/hhpfacts/hp-csfp.htm>. If you cannot obtain nutritional information for a product, it is not possible to determine if the product meets the food requirements. An alternative food that meets the food requirements should be selected.

**22. How can school personnel determine if products meet the beverage requirements?**

The rules allow only certain beverages to be sold to students in grades 8 or below before and during the regular school day. Please refer to question 6 of this guidance document for allowable beverages.

**23. How can school personnel determine if products meet the food requirements?**

A worksheet and two samples (see [Appendix D](#)) has been developed to assist school personnel in making the necessary calculations to determine if the food being sold meets the food requirements. An online calculator (<http://www.isbe.net/calculator/calculator.html>) may be used instead of the worksheet to determine if a food meets the Illinois food requirements.

**24. The Nutrition Facts label lists both calories from fat and total fat grams. How should the percentage of calories from fat be calculated?**

To determine the percentage of calories from fat, use the calories from fat provided on the Nutrition Facts label. **NOTE:** Calculating calories from fat using the grams of fat provided on a label may yield a different number than provided as calories from fat on the label due to rounding. If the calories from fat are not available, take the total grams of fat and multiply by 9 calories per gram of fat; this will provide the calories from fat.

- 25. If the serving size weight is listed in something other than grams, how is the total amount of sugar by weight percentage calculated?**

The serving size should be converted to grams using the standard metric conversion provided below:

To Change	To	Multiply By
Ounces (oz)	Grams (g)	28.35
Pounds (lb)	Grams (g)	453.6

For example:

To convert 2.2 ounces (oz) to grams (g), multiply 2.2 by 28.35.

2.2 ounces equals 62.37 grams.

To convert 0.75 pounds (lb) to grams (g), multiply 0.75 by 453.6.

0.75 pounds equals 340.2 grams.

- 26. When using the *Worksheet to Determine Foods That May Be Sold (Appendix D)*, how are decimals handled?**

If the result of a calculation yields a number with decimal places, drop the numbers to two decimal places without rounding. For example, a calculation yields a result of 35.1492678. For purposes of this worksheet, the result would be cut off to 35.14.

- 27. Our school has an existing food and beverage contract for vending machines or school stores. What if the terms of the existing contract prevent my school from meeting the food and beverage requirements?**

**For the 2006–2007 school year ONLY**, a participating school may request an exemption from the food and beverage requirements by completing the form titled *Request for Exemption From Food and Beverage Requirements* (ISBE Form 69-10) (see [Appendix E](#) or online at [http://www.isbe.net/nutrition/pdf/69-10\\_exemption.pdf](http://www.isbe.net/nutrition/pdf/69-10_exemption.pdf)) and submitting it to ISBE along with a copy of the existing signed and dated contract.

- 28. Our school enrolls students in both grades 8 and below and grades 9 and above. What if my school is unable to separate foods and beverages sold to the different age groups?**

**For the 2006-2007 school year ONLY**, a participating school may request an exemption from the food and beverage requirements by completing the form titled *Request for Exemption From Food and Beverage Requirements* (ISBE Form 69-10) (see [Appendix E](#) or online at [http://www.isbe.net/nutrition/pdf/69-10\\_exemption.pdf](http://www.isbe.net/nutrition/pdf/69-10_exemption.pdf)) and submitting it to ISBE.

- 29. Federal regulations require all participating districts have a local wellness policy in place. How do the food and beverage requirements affect our local wellness policy?**

One required component of the local wellness policy is nutrition standards. Because the state food and beverage requirements must be followed by participating schools with grades 8 or below, school districts may choose to utilize the state food and beverage requirements as the nutrition standards for their local wellness policy. However, a district may have a local wellness policy with standards that are more restrictive than these requirements. For more information, go to [http://www.isbe.net/nutrition/htmls/wellness\\_policy.htm](http://www.isbe.net/nutrition/htmls/wellness_policy.htm).

- 30. The School Food Service Rules state that ISBE “shall initiate a revision to the food and beverage standards . . . that responds to the statewide nutrition standards recommended by the Illinois School Wellness Policy Task Force.” What is the Illinois School Wellness Policy Task Force? Where can I locate the report on food and beverage standards?**

The Illinois School Wellness Policy Task Force is an interagency group that has been charged by the Illinois General Assembly to provide a report on three areas:

- 1) Identification of barriers to implementing school wellness policies and its recommendations to reduce those barriers
- 2) Recommendations on statewide school nutrition standards, and
- 3) Evaluation of the effectiveness of school wellness policies.

For a complete list of the members and their respective agency or organization, visit [http://www.isbe.net/nutrition/pdf/school\\_wellness\\_members.pdf](http://www.isbe.net/nutrition/pdf/school_wellness_members.pdf).

The report of the Illinois School Wellness Policy Task Force will provide recommendations on statewide school nutrition standards that may impact the food and beverage requirements set forth in these rules. The report on the recommendations on statewide school nutrition standards is to be submitted to the General Assembly and Governor by January 2007. Once this report is issued, ISBE will post the report at [http://www.isbe.net/nutrition/htmls/wellness\\_policy.htm](http://www.isbe.net/nutrition/htmls/wellness_policy.htm).

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## **Student Workers** (SECTION 305.20)

Section 305.20 addresses requirements for student workers who work in the food service area during meal periods and stipulates that written consent is required from the individual who legally enrolled the student in school. This section also establishes that under no circumstances may an eligible student be required to work for his or her meals.

- 31. A student is eligible for reduced-price meals and works in the cafeteria. The school provides the meal free of charge. May the meal be claimed in the free category?**

A meal served to a student worker is to be recorded in the category in which the student is determined eligible, in this case the reduced-price category.

- 32. May a student eligible for free or reduced-price meals be required to work for such meal?**

An eligible student shall not be required to work for his or her meals.

- 33. Is parental/guardian consent required for a student to work in the food service area?**

If the student wishes to work in the food service area, all public schools or any participating non-public schools are required to have written consent from the parent/guardian of the student, regardless of the student’s eligibility.

## **Government-Donated Commodities** (SECTION 305.30)

Section 305.30 sets forth procedures governing the acceptance by participating schools of government-donated commodities through the USDA's Food Distribution Program.

**34. How do I locate a listing of food suppliers approved in Illinois to process government-donated commodities?**

The listing of approved food suppliers is available on the Illinois Commodity System which may be accessed by clicking *Food Distribution Program* from the Nutrition Programs website at <http://www.isbe.net/nutrition/>.

**35. Does ISBE have any guidance related to the storage and appropriate uses of government-donated commodities?**

The USDA sets forth guidelines specific to the storage and usage of government-donated commodities. These requirements are outlined in the *Food Distribution Program Handbook*, available at [http://www.isbe.net/nutrition/pdf/commodity\\_handbook.pdf](http://www.isbe.net/nutrition/pdf/commodity_handbook.pdf).

**36. What should be done if a government-donated commodity is lost or spoiled and cannot be used as required?**

Commodity losses must be documented. School food authorities (SFAs) that operate their own programs are required to document lost or spoiled commodities using the same procedures currently in place for reporting the loss of purchased products. SFAs are not required to report commodity losses to ISBE but should document those losses in their inventory records.

**37. As a participating school, I need to file a complaint with ISBE regarding food safety or quality issues regarding government-donated commodities. Where can I access the required form?**

The required complaint form located at [http://www.isbe.net/nutrition/word/complaint\\_form.doc](http://www.isbe.net/nutrition/word/complaint_form.doc), should be completed and faxed to Food Distribution Program staff at 217-782-4550.

# Appendices



TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER i: FOOD PROGRAMS

PART 305  
SCHOOL FOOD SERVICE

Section

305.5	Definitions
305.10	Illinois Free Lunch and Breakfast Programs
305.15	Sale of Foods and Beverages in Participating Schools
305.20	Student Workers
305.30	Government-Donated Commodities

**AUTHORITY:** Implementing and authorized by the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.), Child Nutrition Act of 1966 (42 USC 1771 et seq.), and the School Breakfast and Lunch Program Act [105 ILCS 125].

**SOURCE:** Peremptory rule adopted at 2 Ill. Reg. 45, p. 83, effective October 25, 1978; codified at 7 Ill. Reg. 14743; amended at 30 Ill. Reg. 17475, effective October 17, 2006.

**Section 305.5 Definitions**

“Eligible student” means a student eligible for free or reduced price meals under the School Breakfast Program (42 USC 1771 et seq.) and/or the National School Lunch Program (42 USC 1751 et seq.) in accordance with federal regulations found at 7 CFR 245.3 (2006).

“Food service area” means any area on school premises where reimbursable meals are served and/or eaten.

“Meal period” means the period of time during which breakfast or lunch is regularly served and the time scheduled for the students to eat the meal.

“Participating school” means any public or nonpublic school that participates in the School Breakfast Program or the National School Lunch Program.

“Reimbursable meal” means a meal meeting the definition of a “federal reimbursable meal”, as set forth in regulations governing the School Breakfast Program (7 CFR 220.8 (2006)) or the National School Lunch Program (7 CFR 210.10 (2006)).

(Source: Added at 30 Ill. Reg. 17475, effective October 17, 2006)



**Section 305.10 Illinois Free Lunch and Breakfast Programs**

- a) In accordance with Section 4 of the School Breakfast and Lunch Program Act [105 ILCS 125/4], every public school shall provide free lunches to students eligible to receive free meals in accordance with 7 CFR 245.3 (2006).
- b) Every public school that offers a free breakfast program as defined in 105 ILCS 125/1 shall provide free breakfasts to students eligible to receive free meals in accordance with 7 CFR 245.3 (2006).
- c) Public and nonpublic schools may claim State reimbursement for each reimbursable meal provided to students eligible to receive free meals in accordance with 7 CFR 245.3 (2006).
- d) An accurate record of the actual number of free breakfasts and lunches served to children each day must be maintained.

(Source: Amended at 30 Ill. Reg. 17475, effective October 17, 2006)

**Section 305.15 Sale of Foods and Beverages in Participating Schools**

- a) Commencing on the first day of the 2006-07 school year, all participating schools shall adhere to the following requirements for the sale of foods and beverages to students in grade 8 or below before school and during the regular school day.
  - 1) Beverages sold to students shall include only:
    - A) flavored or plain whole, reduced fat (2 percent), low-fat (1 percent), or nonfat fluid milk that meets State and local standards for pasteurized fluid milk;
    - B) reduced fat and enriched alternative dairy beverages (i.e., rice, nut, or soy milk, or any other alternative dairy beverage approved by the U.S. Department of Agriculture (USDA));
    - C) fruit and vegetable drinks containing 50 percent or more fruit or vegetable juice;
    - D) water (non-flavored, non-sweetened, and non-carbonated);
    - E) fruit smoothie (yogurt or ice based) that contains less than 400 calories and no added sugars, and is made from fresh or frozen fruit or fruit drinks that contain at least 50 percent fruit juice; and
    - F) any beverage exempted from the USDA's list of Foods of Minimal Nutritional Value (see 7 CFR 210.11(a)(2) and 220.2(i-1) (2006)). The State Board of Education shall notify participating schools of these exemptions in January of each year; updates to the exemption list shall be provided within 10 calendar days after the State Board receives notification of any updates from USDA.
  - 2) Food sold to students outside of food service areas or within food service areas other than during meal periods shall include only:
    - A) nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruits or non-fried vegetables, or low-fat yogurt products; or
    - B) any food item whose:

## SUBTITLE A

## SUBCHAPTER i

- i) total calories from fat do not exceed 35 percent;
  - ii) total calories from saturated fat do not exceed 10 percent;
  - iii) total amount of sugar by weight does not exceed 35 percent; and
  - iv) calories do not exceed 200.
- 3) During the 2006-07 school year only, a participating school may apply for an exemption from the requirements of this subsection (a) by submitting its request on a form prescribed by the State Board of Education. If the participating school is part of a public school district, then the school district shall submit the request.
- A) A request for an exemption may be submitted for a participating school's vending machines or school stores in cases in which the participating school can demonstrate that its existing food or beverage contract does not allow the participating school to offer only foods or beverages meeting the requirements.
- i) The request shall include a copy of the existing contract with the food service vendor.
  - ii) The State Superintendent of Education shall approve a request provided that the application and existing contract demonstrate that, under the terms of the contract, the participating school would be unable to offer only foods and beverages meeting the requirements of this subsection (a).
- B) A request for an exemption may be submitted for a participating school that includes both grades 8 and below and grades 9 and above in cases in which the participating school's food service facilities do not allow the participating school to distinguish between food and beverage sales to students in grades 8 and below and to students in grades 9 and above. The State Superintendent of Education shall approve a request provided that the participating school has demonstrated that accommodations (e.g., different schedules, separate food service lines, restricted access to vending machines) cannot be implemented to distinguish between the food

and beverage sales to students in grades 8 and below and to students in grades 9 and above.

- b) None of the requirements of subsection (a) of this Section shall apply to any food or beverage item sold to students as part of a reimbursable meal or to foods sold within food service areas during meal periods.
- c) None of the requirements of subsection (a) of this Section shall apply to any food or beverage item sold to a student who presents a written recommendation for that food or beverage item signed by a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches.
- d) If a participating school serves students in both grades 8 and below and students in grades 9 and above, then the participating school shall ensure that food and beverage sales to students in grades 8 and below meet the requirements of this Section, except as otherwise provided in subsection (a)(3) of this Section.
- e) All revenue from the sale of any food or beverage sold in competition with the School Breakfast Program or National School Lunch Program to students in the food service areas during the meal period shall accrue to the nonprofit school lunch program account.
- f) During the month of January 2007, or immediately following the release of the report of the School Wellness Policy Task Force (should it be after January 2007), the State Board of Education shall initiate a revision to the food and beverage standards set forth in this Part that responds to the statewide nutrition standards recommended by the Task Force in accordance with Section 2-3.137 of the School Code [105 ILCS 5/2-3.137] (see P.A. 94-199).
- g) Any participating schools in which classes of grades 5 and below are operating shall prohibit the sale to students of all confections, candy and potato chips during meal periods.

(Source: Amended at 30 Ill. Reg. 17475, effective October 17, 2006)

**Section 305.20 Student Workers**

- a) In order for a student to work in the food service area, any public school or any nonpublic school participating in the National School Lunch Program shall obtain written consent from the individual who legally enrolled the student, whether it be the parent, guardian or other individual.
- b) An eligible student shall not be required to work for his or her meals.
- c) A lunch or breakfast served to a student worker cannot be claimed for reimbursement as a free or reduced-price meal unless the student is an eligible student.
- d) A meal served to a student worker is to be recorded in the eligibility category for which the student would qualify if not working.

(Source: Added at 30 Ill. Reg. 17475, effective October 17, 2006)

**Section 305.30 Government-Donated Commodities**

- a) Any agreement or contract to process government-donated commodities between an eligible receiving agency (school district or institution) and a food supplier or management firm not listed on the electronic Illinois Commodity System must be submitted for approval to the Illinois State Board of Education.
- b) Proper storage facilities must be provided for government-donated food commodities. Such storage facilities shall meet the requirements set forth in federal regulations governing the storage and use of commodities in child nutrition programs (7 CFR 250 (2006)).
- c) Government-donated commodities shall not be stored at private residences or facilities, unless the facility is operated and designed for the storage or refrigeration of food, and the facility meets the requirements of subsection (b) of this Section.
- d) Government-donated commodities shall be ordered in amounts that can be adequately stored without loss or spoilage.
- e) Complaints from participating schools or agencies authorized to receive government-donated commodities about food safety and other food-quality issues concerning those commodities shall be reported to the State Board of Education on the form provided for that purpose.

(Source: Amended at 30 Ill. Reg. 17475, effective October 17, 2006)

## Appendix B-1 Summary Table of Applicable Rules

The following chart was designed to assist schools in identifying which sections of the School Food Service rules apply to them.

	<b>Rules Section</b>
<b>Public Schools</b>	
Participating in the Federal School-Based Child Nutrition Programs*	
Grades PreK–8	305.10 305.15 305.20 305.30
Grades 9–12	305.10 305.15(e) only 305.20 305.30
Not Participating in the Federal School-Based Child Nutrition Programs	
Grades PreK–8	305.10 305.20
Grades 9–12	305.10 305.20
<b>Non-Public Schools</b>	
Participating in the Federal School-Based Child Nutrition Programs*	
Grades PreK–8	305.10 305.15 305.20 305.30
Grades 9–12	305.10 305.15(e) only 305.20 305.30
Not Participating in the Federal School-Based Child Nutrition Programs	
	Not Applicable

\*Participating schools must also adhere to the federal regulations as outlined in their Permanent Agreement. The Permanent Agreement can be accessed through the online Child Nutrition Application and Claim Entry System (ACES) accessible through the ISBE Web Application Security (IWAS).

## Appendix B-2

### Summary Table of Applicable Illinois Food and Beverage Requirements

These charts provide a summary of the time periods and areas of the school building affected by the state food and beverage requirements. More detailed information for participating schools that enroll students in grades 8 or below may be found in questions 10 through 15.

<b>Reimbursable Meal<sup>3</sup></b>	
<b>State Food Requirements<sup>1</sup></b>	Not applicable <sup>3</sup>
<b>State Beverage Requirements<sup>2</sup></b>	Not applicable <sup>3</sup>

	<b>Inside the Food Service Area</b>			
	<b>Before the Regular School Day</b>	<b>During the Meal Periods<sup>3</sup></b>	<b>During the Regular School Day</b>	<b>After the Regular School Day</b>
<b>State Food Requirements<sup>1</sup></b>	Applicable	Not applicable <sup>3, 4</sup>	Applicable	Not applicable
<b>State Beverage Requirements<sup>2</sup></b>	Applicable	Applicable <sup>3</sup>	Applicable	Not applicable

Updated  
10/30/06

	<b>Outside the Food Service Area</b>			
	<b>Before the Regular School Day</b>	<b>During the Meal Periods</b>	<b>During the Regular School Day</b>	<b>After the Regular School Day</b>
<b>State Food Requirements<sup>1</sup></b>	Applicable	Applicable <sup>4</sup>	Applicable	Not applicable
<b>State Beverage Requirements<sup>2</sup></b>	Applicable	Applicable	Applicable	Not applicable

Updated  
11/15/06

<sup>1</sup> The state food requirements are as follows: Foods sold to students in grades 8 or below outside of food service areas or within food service areas other than during meal periods by participating schools shall include only:

- Nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruits or non-fried vegetables, or low-fat yogurt products; or
- Any food item that meets all of the following criteria:
  - Total calories from fat do not exceed 35 percent;
  - Total calories from saturated fat do not exceed 10 percent;
  - Total amount of sugar by weight does not exceed 35 percent; and
  - Calories do not exceed 200.

<sup>2</sup> The state beverage requirements are as follows: Beverages sold to students in grades 8 or below before or during the regular school day including the meal period shall include only:

- Flavored or plain whole, reduced-fat (2 percent), low-fat (1 percent), or nonfat fluid milk that meets State and local standards for pasteurized fluid milk;
- Reduced-fat and enriched alternative dairy beverages (i.e., rice, nut, or soy milk, or any other alternative dairy beverage approved by the USDA);
- Fruit and vegetable drinks containing 50 percent or more fruit or vegetable juice;
- Water (non-flavored, non-sweetened, and non-carbonated);
- Fruit smoothie (yogurt or ice-based) that contains less than 400 calories and no added sugars, and is made from fresh or frozen fruit or fruit drinks that contain at least 50 percent fruit juice; and
- Any beverage exempted from the USDA's list of FMNV (see Appendix C).

<sup>3</sup> The federal regulations governing FMNV are applicable. (See Question 10 and 13)

<sup>4</sup> The School Food Service Rules stipulate that participating schools in which classes of grades 5 and below are operating shall prohibit the sale to students of all confections, candy and potato chips during meal periods.

Updated  
11/15/06

Updated  
10/25/06



## Appendix C

### Foods and Beverages Exempted From the Foods of Minimal Nutritional Value Regulations

The School Food Service Rules allow for the sale of **beverages** exempted from the USDA's list of Foods of Minimal Nutritional Value (FMNV). **While foods are also exempted on this list, they must be evaluated to ensure that they meet the food requirements if sold inside the food service area other than during meal periods and outside of the food service area before and during the regular school day including the meal periods.**

This does not mean that these products are approved or endorsed by the Food and Nutrition Service. Nor does an exemption indicate that these products have significant nutritional value. In addition, the exemptions should not be perceived as guidance or encouragement to school food authorities concerning their possible purchase.

As always, please be aware that several companies with exempted foods produce similar products that are not exempted and are therefore still considered foods of minimal nutritional value. The exemption of one product does not mean that similar products or a family of products are exempted unless specifically stated in an exemption letter and included on the exemption list.

Updated  
1/02/07

For the most current beverage exemption list, go to <http://www.isbe.net/nutrition/pdf/exemptions.pdf>.

## Appendix D-1

### Worksheet to Determine Foods That May Be Sold

This sample worksheet is provided to assist school personnel in identifying the necessary information to determine if certain food items meet the nutrition standards set forth in Section 305.15(a)(2).

---

**Step One:** Identify the kind of product. \_\_\_\_\_



If the product is a nut, seed, nut butter, egg, cheese packaged for individual sale, fruit or non-fried vegetable, or low-fat yogurt product, STOP. The product meets the requirements and **may be** sold.



If the product is not a product identified above, continue to Step Two.

---

**Step Two:** Identify the total calories per serving size. \_\_\_\_\_



If calories per serving size are greater than 200 calories, STOP. The product **may not be** sold.



If calories per serving size are equal to or less than 200 calories, continue to Step Three.

---

**Step Three:** Calculate the percentage of total calories from fat.

Calories from fat \_\_\_\_\_ (If listed on the label; if not, calculate using the formula below.)

Total grams of fat \_\_\_\_\_ x 9 calories per gram = \_\_\_\_\_ calories from fat

Calories from fat \_\_\_\_\_ ÷ total calories per serving size \_\_\_\_\_ = \_\_\_\_\_ % of total calories from fat



If the percentage of total calories from fat is greater than 35%, STOP. The product **may not be** sold.



If the percentage of total calories from fat is equal to or less than 35%, continue to Step Four.

---

**Step Four:** Calculate the percentage of total calories from saturated fat.

Total grams of saturated fat \_\_\_\_\_ X 9 calories per gram = \_\_\_\_\_ calories from saturated fat

Calories from saturated fat \_\_\_\_\_ ÷ total calories per serving size \_\_\_\_\_ = \_\_\_\_\_ % of total calories from saturated fat



If the percentage of total calories from saturated fat is greater than 10%, STOP. The product **may not be** sold.



If the percentage of total calories from saturated fat is equal to or less than 10%, continue to Step Five.

---

**Step Five:** Calculate the percentage of sugar by weight.

Total grams of sugar \_\_\_\_\_ ÷ serving size weight \_\_\_\_\_ (g) = \_\_\_\_\_ % of total sugar by weight



If the percentage of total sugar by weight is greater than 35%, STOP. The product **may not be** sold.



If the percentage of total sugar by weight is equal to or less than 35%, then the product may be sold.

---

## Appendix D-2

### Sample #1 Worksheet to Determine Foods That May Be Sold

This sample worksheet is provided to assist school personnel in identifying the necessary information to determine if certain food items meet the nutrition standards set forth in Section 305.15(a)(2).

<b>Nutrition Facts</b>	
Serving Size 35g	
Servings per Container about 1	
Amount Per Serving	
<b>Calories</b> 170	Calories from Fat 60
% Daily Value*	
<b>Total Fat</b> 7g	<b>11 %</b>
<b>Saturated Fat</b> 2g	<b>9 %</b>
Trans Fat 0.5g	
<b>Cholesterol</b> 0mg	<b>0 %</b>
<b>Sodium</b> 410mg	<b>17 %</b>
<b>Total Carbohydrate</b> 22g	<b>7 %</b>
Dietary Fiber 1g	
Sugars 0g	
<b>Protein</b> 3g	
Vitamin A 0 %	Calcium 2 %
Vitamin C 0 %	Iron 8 %
*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:	
	Calories: 2,000    2,500
Total Fat	Less than 65g    80g
Sat Fat	Less than 20g    25g
Cholest	Less than 300mg    300mg
Sodium	Less than 2,400mg    2,400mg
Total Carb	300g    375g
Fiber	25g    30g

**Step One:** Identify the kind of product. Cheese Crackers



If the product is a nut, seed, nut butter, egg, cheese packaged for individual sale, fruit or non-fried vegetable, or low-fat yogurt product, STOP. The product meets the requirements and **may be** sold.



If the product is not a product identified above, continue to Step Two.

**Step Two:** (Use the **RED circled** information on this sample label.) Identify the total calories per serving size. 170



If calories per serving size are greater than 200 calories, STOP. The product **may not be** sold.



If calories per serving size are equal to or less than 200 calories, continue to Step Three.

**Step Three:** (Use the **GREEN circled** information on this sample label.) Calculate the percentage of total calories from fat.

Calories from fat 60 (If listed on the label; if not, calculate using the formula below.)

Total grams of fat \_\_\_\_ x 9 calories per gram = \_\_\_\_ calories from fat

Calories from fat 60 ÷ total calories per serving size 170 = 35.29% of total calories from fat



If the percentage of total calories from fat is greater than 35%, STOP. The product **may not be** sold.



If the percentage of total calories from fat is equal to or less than 35%, continue to Step Four.

**Step Four:** (Use the **PURPLE circled** information on this sample label.) Calculate the percentage of total calories from saturated fat.

Total grams of saturated fat \_\_\_\_ x 9 calories per gram = \_\_\_\_ calories from saturated fat

Calories from saturated fat \_\_\_\_ ÷ total calories per serving size \_\_\_\_ = \_\_\_\_ % of total calories from saturated fat



If the percentage of total calories from saturated fat is greater than 10%, STOP. The product **may not be** sold.



If the percentage of total calories from saturated fat is equal to or less than 10%, continue to Step Five.

**Step Five:** (Use the **BLUE circled** information on this sample label.) Calculate the percentage of sugar by weight.

Total grams of sugar \_\_\_\_ ÷ serving size weight \_\_\_\_ (g) = \_\_\_\_ % of total sugar by weight



If the percentage of total sugar by weight is greater than 35%, STOP. The product **may not be** sold.



If the percentage of total sugar by weight is equal to or less than 35%, then the product may be sold.

## APPENDIX D-3

### Sample #2 Worksheet to Determine Foods That May Be Sold

This sample worksheet is provided to assist school personnel in identifying the necessary information to determine if certain food items meet the nutrition standards set forth in section 305.15(a)(2).

#### Nutrition Facts

Serving Size 23g  
Servings per Container about 6

#### Amount Per Serving

**Calories** 100      **Calories from Fat** 20  
% Daily Value\*

**Total Fat** 2g      3 %

**Saturated Fat** 0g      0 %

Trans Fat 0g

**Cholesterol** 0mg      0 %

**Sodium** 160mg      7 %

**Total Carbohydrate** 20g      7 %

Dietary Fiber 1g      3 %

**Sugars** 9g

**Protein** 1g

Vitamin A 0 %      **Calcium** 0 %

Vitamin C 0 %      Iron 6 %

\*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholest	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carb		300g	375g
Fiber		25g	30g

**Step One:** Identify the kind of product. Cookie Crisp



If the product is a nut, seed, nut butter, egg, cheese packaged for individual sale, fruit or non-fried vegetable, or low-fat yogurt product, STOP. The product meets the requirements and **may be** sold.



If the product is not a product identified above, continue to Step Two.

**Step Two:** (Use the **RED circled** information on this sample label.) Identify the total calories per serving size. 100



If calories per serving size are greater than 200 calories, STOP. The product **may not be** sold.



If calories per serving size are equal to or less than 200 calories, continue to Step Three.

**Step Three:** (Use the **GREEN circled** information on this sample label.) Calculate the percentage of total calories from fat.

Calories from fat 20 (If listed on the label; if not, calculate using the formula below.)

Total grams of fat \_\_\_\_\_ x 9 calories per gram = \_\_\_\_ calories from fat

Calories from fat 20 ÷ total calories per serving size 100 = 20.00% of total calories from fat



If the percentage of total calories from fat is greater than 35%, STOP. The product **may not be** sold.



If the percentage of total calories from fat is equal to or less than 35%, continue to Step Four.

**Step Four:** (Use the **PURPLE circled** information on this sample label.)

Calculate the percentage of total calories from the saturated fat.

Total grams of saturated fat 0 x 9 calories per gram = 0 calories from saturated fat

Calories from saturated fat 0 ÷ total calories per serving size 100 = 0% of total calories from saturated fat



If the percentage of total calories from saturated fat is greater than 10%, STOP. The product **may not be** sold.



If the percentage of total calories from saturated fat is equal to or less than 10%, continue to Step Five.

**Step Five:** (Use the **BLUE circled** information on this sample label.) Calculate the total amount of sugar by weight percentage.

Total grams of sugar 9 ÷ serving size weight 23g = 39.13% of total sugar by weight



If the percentage of total sugar by weight is greater than 35%, STOP. The product **may not be** sold.



If the percentage of total sugar by weight is equal to or less than 35%, then the product may be sold.

**REQUEST FOR EXEMPTION FROM FOOD AND BEVERAGE REQUIREMENTS**

This form is to be used by schools participating in the National School Lunch Program or School Breakfast Program when seeking an exemption from the food and beverage requirements, as set forth in rules governing School Food Service (23 Ill. Adm. Code 305.15). When completed, please submit your request via mail or fax to the Nutrition Programs Division at the contact information above. Action on incomplete applications will be delayed until all required documentation is received.

1. The application is for: (Check the appropriate box below.)
- Exemption for School Vending Machine or School Store Contracts *(Complete sections 2, 3, and 5)*
  - Exemption for School Facilities *(Complete sections 2, 4 and 5)*

2. School Food Authority Agreement Number	Name of Contact Person
School Food Authority Name and Address	Contact Person Telephone Number/Extension
	Contact Person Fax Number
Name of District Superintendent (required for all public schools) or Nonpublic School Administrator	Contact Person E-Mail Address

3. **Exemption for Food/Beverage Contracts** *(Attach additional pages as necessary.)*  
 An exemption may be requested if the participating school demonstrates that its existing food or beverage contract does not allow it to offer only foods or beverages meeting the requirements. Please describe those contractual provisions and/or available food and beverage choices that would prevent the participating school from adhering to the standards. (Section 305.15(a)(3)(A))

Not Applicable - For School Year 2006-2007 ONLY

Provide with the application a copy of the existing signed and dated contract(s) with the food service vendor(s). Any application submitted without the contract(s) will not be reviewed until the contract(s) is received.

4. **Exemption for School Facilities** *(Attach additional pages as necessary.)*  
 A participating school that serves both students in grades 8 and below and students in grades 9 and above may request an exemption if it can demonstrate that its food service facilities (e.g., lunch room, area housing vending machines) prevent it from separating food and beverage sales to students in grades 8 and below and those to students in grades 9 and above. Provide sufficient evidence that accommodations, such as different schedules, separate food service lines, or restricted access to vending machines, cannot be implemented to prevent the sale of restricted items to students in grades 8 and below. (Section 305.15(a)(3)(B))

5. I certify that as the district superintendent of the public school district or administrator of the nonpublic school that the school food authority identified above is unable to comply during the 2006-2007 school year with the requirements of Section 305.15(a) of the rules governing School Food Service.

\_\_\_\_\_ Date \_\_\_\_\_ *Print Name of District Superintendent/ Nonpublic School Administrator* \_\_\_\_\_ *Original Signature of District Superintendent/ Nonpublic School Administrator*

**ISBE USE ONLY:**

Date request was received: \_\_\_\_\_ Date(s) any applicable contract(s) was signed? \_\_\_\_\_

This request for exemption has been:  Approved  Denied

\_\_\_\_\_ Date \_\_\_\_\_ *Signature of State Superintendent of Education*