

## 1 CCR 301-79 Healthy Beverage Policy: Crosswalk of Rule to Statute and Federal Authority

Rule	State Statutory and Federal Authority
<p><b>1.0 Statement of Basis and Purpose</b></p> <p>1.01 The statutory basis for these rules is found in Section 22-32-134.5, C.R.S. and Section 22-2-107(1)(c), C.R.S.</p> <p>1.02 Pursuant to these statutes, the State Board of Education shall promulgate rules concerning public schools to achieve the following purposes, including but not limited to:</p> <p>1.02.1 Describing beverages that school districts and schools may permit to be sold to students;</p> <p style="padding-left: 40px;">(a) Each beverage described shall satisfy minimum nutritional standards for beverages, which standards are science-based and established by a national organization; and</p> <p>1.02.2 Describing specific events occurring outside of the regular and extended school day at which a school district or school may permit other beverages other than those described above to be sold to students.</p>	<p><b>22-32-134.5(2)(a)</b> On or before November 15, 2008, the state board of education shall promulgate rules describing beverages that school districts and schools may permit to be sold to students. Each beverage described by the rules shall satisfy minimum nutritional standards for beverages, which standards are science-based and established by a national organization that:</p> <p style="padding-left: 40px;">(I) Establishes and promotes minimum nutritional standards for beverages served to students in schools; and</p> <p style="padding-left: 40px;">(II) Has set forth a memorandum of understanding between various interested entities, including representatives of the beverage industry, which memorandum of understanding sets forth guidelines for policies concerning beverages that school districts and schools may permit to be sold to students.</p> <p>(b) On or before November 15, 2008, the state board of education shall promulgate rules describing specific events occurring outside of the regular and extended school day, including but not limited to extracurricular competitions and performances, at which a school district or school may permit to be sold to students beverages other than the beverages described by the rules promulgated by the state board pursuant to paragraph (a) of this subsection (2).</p>
<p><b>2.0 Definitions</b></p> <p>2.01 “Public School” means a school that derives its support, in whole or in part, from moneys raised by a general state, county, or district tax and is not limited to those schools participating in the National School Lunch Program.</p>	<p><b>22-1-101 Schools defined</b></p> <p>(1) A public school is a school that derives its support, in whole or in part, from moneys raised by a general state, county, or district tax.</p>

<p>2.02 "Regular School Day" means the period from midnight the night before the first class period to 30 minutes after the end of the last class period.</p>	<p><b>22-32-136(2)(b)</b> "School day" means one hour prior to the start of the first class period to one half hour after the end of the last class period; except that, for schools not offering school breakfast, "school day" means one half hour before the first class period to one half hour after the end of the last class period.</p> <p><b>USDA Interim Final Rule – 7 CFR Parts 210 and 220</b> <i>School day</i> means, for the purpose of competitive food standards implementation, the period from the midnight before, to 30 minutes after the end of the official school day.</p>
<p>2.03 "Extended School Day" means any time spent by students at school after the regular school day, including but not limited to participation in extracurricular activities or childcare programs.</p>	<p><b>22-32-134.5(3)(b)</b> For the purposes of this subsection (3), "extended school day" means the regular hours of operation for a school plus any time spent by students after the regular hours of operation for any purpose, including but not limited to participation in extracurricular activities or childcare programs.</p>
<p><b>3.0 District Beverage Policies</b></p> <p>3.01 On or before the 2017-2018, school year each school district board of education and the state charter school institute shall adopt and implement a policy in accordance with Section 22-32-134.5 (1), C.R.S and the rules herein.</p>	<p><b>22-32-134.5(1)</b> On or before July 1, 2009, each school district board of education shall adopt and implement a policy that prohibits, except as described in subsection (2) of this section, the sale of beverages to students from any source, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) School cafeterias;</li> <li>(b) Vending machines;</li> <li>(c) School stores; and</li> <li>(d) Fund-raising activities conducted on school campuses.</li> </ul>
<p><b>4.0 Establishing of Healthy Beverage Standards for Public Schools During the Regular School Day and Extended School Day</b></p> <p>4.01 The beverage policies adopted by district boards of education and the state charter school institute pursuant to Section 3.0 may</p>	<p><b>22-32-134.5(2)(a)</b> On or before November 15, 2008, the state board of education shall promulgate rules describing beverages that school districts and schools may permit to be sold to students. Each beverage described by the rules shall satisfy minimum nutritional standards for beverages, which standards are science-based and established by a national</p>

<p>permit the sale of beverages to students on school grounds during both the regular and extended school day if those beverages meet the United States Department of Agriculture (USDA)'s current regulations for nutrition standards for beverages sold in schools.</p>	<p>organization that:</p> <ul style="list-style-type: none"> <li>(I) Establishes and promotes minimum nutritional standards for beverages served to students in schools; and</li> <li>(II) Has set forth a memorandum of understanding between various interested entities, including representatives of the beverage industry, which memorandum of understanding sets forth guidelines for policies concerning beverages that school districts and schools may permit to be sold to students.</li> </ul>
<p><b>5.0 Events Occurring Outside of the Regular and Extended School Day</b></p> <p>5.01 The extended school day includes but is not limited to, before and after school activities such as clubs, year book, band, student government, drama, and childcare programs.</p> <p>5.02 District boards of education and the state charter school institute may permit the sale of other beverages at school-related events where parents and other adults are invited attendees. Such activities include but are not limited to selling beverages as boosters at events such as interscholastic sporting events, school plays, and band concerts.</p>	<p><b>22-32-134.5(3)(b)</b> For the purposes of this subsection (3), "extended school day" means the regular hours of operation for a school plus any time spent by students after the regular hours of operation for any purpose, including but not limited to participation in extracurricular activities or childcare programs.</p> <p><b>22-32-134.5(2)(b)</b> On or before November 15, 2008, the state board of education shall promulgate rules describing specific events occurring outside of the regular and extended school day, including but not limited to extracurricular competitions and performances, at which a school district or school may permit to be sold to students beverages other than the beverages described by the rules promulgated by the state board pursuant to paragraph (a) of this subsection (2).</p>