

# COLORADO DEPARTMENT OF EDUCATION

## Colorado State Board of Education

1 CCR 301-79

### RULES FOR THE ADMINISTRATION OF THE HEALTHY BEVERAGES POLICY

#### 1.0 Statement of Basis and Purpose

1.01 The statutory basis for these rules is found in ~~sSections § 22-32-136 (3) (a) (II), § 22-30.5-505, and § 22-30.5-517, Colorado Revised Statutes § 22-32-134.5, C.R.S. and Section 22-2-107(1)(c), C.R.S.-~~

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:

1.02.1a) Describing beverages that school districts and schools may permit to be sold to students;

(ab) Each beverage described shall satisfy minimum nutritional standards for beverages, which standards are science-based and established by a national organization; and

1.02.2e) 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.

#### 2.0 Definitions

2.01 "Public School" means a school that ~~received~~ 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. a majority of its funding from moneys raised by a general state, county, or district tax and whose property is owned and operated by a political subdivision of the state.

~~2.02 "State Board" means the State Board of Education created pursuant to Section 1 of Article IX of the State Constitution.~~

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.

2.03 "Extended School Day" means ~~the regular hours of operation for any public school including institute charter schools, plus~~ any time spent by students at school after the regular ~~school day hours of operation for any purpose~~, including but not limited to participation in extracurricular activities or childcare programs.

### 3.0 District Beverage Policies

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.

### 34.0 Establishing of Healthy Beverage Standards for **Public Schools** **During the Regular School Day and Extended School Day**

43.01 Beginning July 1, 2009, The beverages policies adopted by district boards of education and the state of charter school institute pursuant to Section 3.0 may 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. ~~sold to students on school grounds during the regular and extended school day, shall, at a minimum, meet the following nutritional standards.~~

#### 3.01.1 Beverages sold in elementary school

- ~~(a) Bottled water~~
- ~~(b) Up to 8 ounce servings of fat free or low fat milk. Milk includes nutritionally equivalent milk alternatives (per USDA)~~
- ~~(c) Up to 8 ounce servings of fat free or low fat nutritionally equivalent flavored milk up to 150 calories / 8 ounces~~
- ~~(d) Up to 8 ounce servings of 100% juice, with no added sweeteners and up to 120 calories / 8 ounces~~

#### 3.01.2 Beverages sold in middle school

- ~~(a) Bottled water~~
- ~~(b) Up to 10 ounce servings of fat free or low fat milk. Milk includes nutritionally equivalent milk alternatives (per USDA)~~
- ~~(c) Up to 10 ounce servings of fat free or low fat nutritionally equivalent flavored milk up to 150 calories / 8 ounces~~
- ~~(d) Up to 10 ounce servings of 100% juice, with no added sweeteners and up to 120 calories / 8 ounces~~

#### 3.01.3 Beverages sold in high school

- ~~(a) Bottled water~~
- ~~(b) No or low calorie beverages with up to 10 calories / 8 ounces, except diet soda may not be sold in high school (e.g., unsweetened or diet teas, low calorie sport drinks, fitness waters, flavored waters, seltzers)~~
- ~~(c) Up to 12 ounce servings of fat free or low fat milk. Milk includes nutritionally equivalent milk alternatives (per USDA)~~

~~(d) Up to 12-ounce servings of fat free or low fat nutritionally equivalent flavored milk up to 150 calories / 8 ounces~~

~~(e) Up to 12-ounce servings of 100% juice, with no added sweeteners and up to 120 calories / 8 ounces~~

~~(f) Other drinks, up to 12-ounce servings with no more than 66 calories / 8 ounces~~

~~(g) At least 50% of non-milk beverages must be water and no or low calorie options~~

~~3.02 If the middle and high school students have shared access to areas on a common campus or in common buildings, then the school community has the option to adopt the high school standard.~~

~~3.03 The sale of beverages to students from any source includes but is not limited to: school cafeterias, vending machines, school stores, and fund-raising activities conducted on school campuses.~~

~~3.04 The provisions of these beverage standards shall apply to beverage contracts entered into or renewed by a school district on or after July 1, 2009.~~

~~3.05 To the greatest extent possible beverage products should be Colorado produced products.~~

#### **54.0 Events Occurring Outside of the Regular and Extended School Day**

~~54.01 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/atchkey programs.~~

~~54.02 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. significant part of an audience are exempt from these rules. Such activities include but are not limited to selling beverages as boosters at events such as interscholastic sporting events, school plays, and band concerts.~~

#### **5.0 Implementation Procedures**

~~5.01 On or before July 1, 2009, each school district board of education and the state charter school institute shall adopt and implement a policy for the sale of beverages that at a minimum meet the standards set forth in these rules~~