

## DEPARTMENT OF EDUCATION

### Colorado State Board of Education

## FOOD AND NUTRITION SERVICES

### 1 CCR 301-3

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### 2202-R-200.00 Basis and Purpose

200.01 The basis of these rules is found in Section 22-2-107(1)(c), C.R.S. and the purpose of these rules relating to food and nutrition services are:

To preserve and protect the nutritional integrity of food and nutrition service operations in school districts, recognizing the proven link between nutrition and a child's ability to learn, as well as to foster the Declaration of Policy and Purpose set forth in the Richard B. Russell National School Lunch Act (42 U.S.C., 1751 Et. Seq.) and the Child Nutrition Act of 1966 (42 U.S.C., 1771 Et. Seq.), as amended, and;

To assist district food and nutrition service operations in complying with federal and state law and regulations pertaining to such operations.

The purpose for the 2015 amendments are to streamline and consolidate these rules including incorporating the rules related to the food service fund into 1 CCR 301-11 Rules for Accounting and Reporting. Additionally, the 2015 amendments include clarifications to assist school districts in complying with federal and state law and regulations pertaining to food and nutrition service operations.

#### 2202-R-201.00 Competitive Food Service

201.01 In those schools participating in the School Breakfast and/or National School Lunch Program(s), competitive food service is any food or beverage available to students that is separate from the district's nonprofit federally reimbursed food service program, and is provided by a school-approved organization or by a school-approved outside vendor.

201.02 Competitive food service, except as outlined in Section 201.03, shall not operate in competition with the district's food service program. Such competitive foods cannot be sold 30 minutes before to 30 minutes after each scheduled meal service on any area of the school campus that is accessible to students.

201.03 The restriction in Section 201.02 does not apply to the service of competitive, mechanically-vended beverages offered to students at the senior high level.

201.04 As stated in Section 22-32-136(4), C.R.S., each district's board of education is encouraged to establish rules specifying the time and place at which competitive foods may be sold on school property in order to encourage the selection of healthful food choices by students.

**2202-R-202.00 Records**

- 202.01 Records must be kept in such a way as to substantiate the claims of the district and meet the requirements of the USDA. At a minimum, all records pertaining to the federal child nutrition programs, including claims, financial records and supporting documentation, must be retained for a period of three years after the end of the federal fiscal year (October 1 through September 30) to which they pertain.
- 202.02 Records pertaining to the Public School Finance Act of 1996, including direct certification listings, applications for free and reduced price school meals, family economic data survey forms, district listings of migrant, homeless, runaway or foster students, and Head Start documented participation must be retained until audited by CDE or until five years from the certification due date whichever comes first.

**2202-R-203.00 Food Service Management Companies**

- 203.01 Districts and school food authorities may contract for the services of a food service management company (FSMC).
- 203.02 School food authorities wishing to enter into a FSMC contract must comply with all federal rules and regulations pertaining to such FSMC contracts.
- 203.03 To ensure compliance with state and federal requirements relating to contracting with FSMC's, school food authorities must utilize the request for proposal (RFP) and contract prototypes and procedures as provided by CDE.
- 203.04 All RFP documents must be approved by CDE prior to release of the RFP. All contracts must be approved by CDE prior to the inception of the contract.
- 203.05 The school food authorities must maintain control of meal prices, and retain signature authority on all agreements, reimbursement claims, free and reduced price policy implementation, and any other required forms and reports.

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**Editor's Notes**

**History**

Entire rule emer. rule eff. 02/18/2009; expired eff. 05/18/2009.  
Entire rule emer. rule eff. 08/09/2009.  
Entire rule eff. 11/30/2009.  
Entire rule eff. 06/30/2015.