

**702 KAR 6:090. Minimum nutritional standards for foods and beverages available on public school campuses during the school day; required nutrition and physical activity reports.**

RELATES TO: KRS 156.035, 156.160, 156.200, 158.854(1), 158.856, 160.345, 7 C.F.R. 210.11

STATUTORY AUTHORITY: KRS 156.160, 158.854(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.854(1) requires the Kentucky Board of Education to promulgate an administrative regulation to specify the minimum nutritional standards for all foods and beverages that are sold outside the National School Breakfast and National School Lunch programs, whether in vending machines, school stores, canteens, or a la carte cafeteria sales. This administrative regulation establishes the minimum nutritional standards for food and beverages available on the school campus during the school day.

Section 1. Beverages. During the period of time beginning thirty (30) minutes after the last lunch period until the end of the last instructional period, a beverage offered for sale through a vending machine, school store, canteen, or fundraiser on school property shall meet the requirements established in 7 C.F.R. 210.11.

Section 2. Food. During the period beginning thirty (30) minutes after the last lunch period until the end of the last instructional period, a food item offered for sale through a vending machine, school store, canteen, or fundraiser on school property shall meet the requirements established in 7 C.F.R. 210.11.

Section 3. A la carte Items. A food or beverage item offered for sale as an a la carte item on the cafeteria line during the serving of breakfast or lunch shall meet the requirements established in 7 C.F.R. 210.11.

Section 4. Local District Nutrition Program Report.

(1) A school nutrition director of the local district shall complete the assessment of the nutrition program required under KRS 158.856 and issue a report at least sixty (60) days prior to the public forum required by KRS 158.856(5).

(2) The director may issue the report via posting to the district Web site.

(3) A local district superintendent shall submit a summary of the findings and recommendations of the nutrition report as required by KRS 158.856(6) to the Kentucky Department of Education by May 1 of each year.

Section 5. Student Physical Activity.

(1) A local district superintendent shall evaluate the student physical activity environment, including the amount of time and types of physical activity provided in the elementary schools, as required in KRS 160.345(11), and release the report at least sixty (60) days prior to the public forum required by KRS 158.856(5).

(2) A local district superintendent shall submit the report on physical activity, including a summary of findings and recommendations to the Department of Education by May 1 of each year.

(3) The superintendent may release the report via posting to the district Web site.

(16 Ky.R. 2290; 2673; eff. 6-10-1990; 17 Ky.R. 2046; eff. 3-13-1991; 32 Ky.R. 905; 1244; eff. 2-3-2006; 35 Ky.R. 2157; 36 Ky.R. 1211; eff. 1-4-2010; 43 Ky.R. 1671; eff. 6-2-2017; Cert eff 4-15-2024.)