DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT
www.gdoe.net
500 Mariner Ave, Barrigada Guam 96913
Telephone: (671)475-0457 or 300-1547/1536 Fax: (671)472-5001

STANDARD OPERATING PROCEDURES

SOP # 1700-019

I. SUBJECT: Requirements for Foods/Beverages in Schools

II. INQUIRIES: Food and Nutrition Services Management Division (FNSMD)

III. PURPOSE: To establish the roles, responsibilities, procedures, and requirements for the review and approval of foods and beverages sold, distributed, or offered to students on school campuses during the school day.

IV. APPLICABILITY: Department of Education Schools

V. REFERENCES:

- Healthy, Hunger-Free Kids Act of 2010
- National School Lunch Program and School Breakfast Program (7 CFR, Parts 210 and 220)
- Guam Department of Education Board Policy 705
- Applicable Regulations and Requirements of the Department of Public Health & Social Services and the Guam Food Code (Title 10, Guam Code Annotated)

VI. INTERNAL CONTROL: The FNSMD Administrator shall monitor the timing of the overall function of the division, and any necessary actions or irregularities shall be reported to the Deputy Superintendent of Educational Support & Community Learning, or the Superintendent of Education, as deemed necessary.

VII. GENERAL SCOPE:

The Food and Nutrition Services Management Division (FNSMD), as the Local Educational Authority (LEA), administers USDA's Child Nutrition Programs and is responsible for ensuring compliance with all regulations at all GDOE school sites. In accordance with section 204 of the Child Nutrition and WIC Reauthorization Act of 2004, this SOP, in combination with GDOE Board Policy 705, shall serve as the Department's Local School Wellness Policy (LSWP).[1] This SOP establishes uniform district-wide procedures governing foods and beverages available to students on school campuses during the school day.

[1] U.S. Public Law 108-265, 118 Stat. 729 (2004).

This SOP applies to:

- All schools within the district;
- All foods and beverages sold, distributed, or made available to students including, but not limited to, a la carte items, vending machine items, school or student stores, and foods and beverages provided during school celebrations or events, or sold as part of a fundraiser.
- All individuals or entities involved in the sale or distribution of foods and beverages including, but not limited to, the food service management company, school vendors and contractors, school faculty, staff, and administration, school organizations, student groups, and parent-teacher associations.

VIII. DEFINITIONS

For the purposes of this SOP, and as defined by USDA:[2]

1. ***School campus*** means any and all areas of the property under the jurisdiction of the school that are accessible to students during the school day.
2. ***School day*** means the period of midnight before, to thirty (30) minutes after the end of the official school day.
3. ***Fundraiser*** means any activity during which money or its equivalents (such as currency, tokens, tickets, coupons or similar items) are exchanged for the purchase of a product in support of the school or its students, or a school-related activity.
4. ***Exempted Fundraiser*** means any event or activity involving the sale of foods and/or beverages that do not meet Smart Snacks standards during which money or its equivalents (such as currency, tokens, tickets, coupons or similar items) are exchanged for the purchase of these food or beverage items support of the school or its students, or a school-related activity.

IX. ROLES AND RESPONSIBILITIES

1. **Food & Nutrition Services Management Division** – shall oversee and ensure nutritional and procedural compliance for all foods/beverages provided or sold to students on campus, provide training and technical assistance for compliance, and shall determine the number of exempted fundraiser activities per school each school year to ensure that the frequency of such exempt fundraisers does not reach a level which would impair the effectiveness of Smart Snack requirements.[3]
2. **School Administrator** – shall be responsible for monitoring and enforcing compliance with this SOP at the school site, to include working in collaboration with the FNSMD to ensure that all foods and beverages available to students during the school day contribute to a healthy school environment, submitting requests and related documents for fundraiser approval, and maintaining records as applicable to local and federal requirements.
3. **Superintendent of Education** – shall be responsible for reviewing and approving any and all changes to this SOP, in consultation with the FNSMD, and as mandated by USDA CNP federal regulations and requirements.

---

[2] 7 CFR 210.11 Competitive Food Service and Standards

[3] USDA SP Memo 36-2014: *Smart Snacks Standards and Exempt Fundraisers.*

X. GENERAL REQUIREMENTS:

As mandated by GDOE Board Policy 705, School Administrators shall work in collaboration with the FNSMD to help ensure that any and all foods and beverages available to students during the school day – whether through CNP meals, or brought from outside to be sold or distributed in school – reflect nutritional standards that contribute to a healthy school environment. School Administrators shall support school celebrations, events, and fundraising efforts that align with the District's commitment to promoting student health and wellness. School Administrators shall prioritize and promote activities that:

- Feature foods/beverages that meet Smart Snacks nutrition standards; and/or
- Utilize non-food fundraising options that may include, but are not limited to school spirit items (e.g. t-shirts, apparel, umbrellas, lanyards, keychains, stickers, etc.), redeemable tickets for movies, car washes, etc., scratch cards, reusable items (e.g. tumblers, mugs, snack containers, etc.), or event-based fundraisers (e.g. fun runs, walk-a-thons, read-a-thons)

All foods and beverages provided, sold, or made available to students during the school day, *other than* CNP meals must comply with the nutrition standards established under the Healthy, Hunger-Free Kids Act (HHFKA) of 2010, commonly referred to as Smart Snacks standards, and all other applicable local and federal regulations, including 7 CFR Parts 210 and 220, GDOE Board Policy 705, and the provisions in this SOP. Smart Snacks standards ensure that all foods and beverages available to students support healthy growth and development by placing limits on added sugars, sodium, calories, and unhealthy fats, while encouraging whole grains, fruits, vegetables, lean proteins, and low-fat dairy.

XI. DISTRIBUTION AND SALE OF FOODS/ BEVERAGES:

In recognition of the tradition of celebrations, as well as school fundraisers for the benefit of school organizations, the sale and distribution of foods and/or beverages may be allowed on the school campus during the school day. This section establishes the procedures schools must follow when planning and conducting such activities.

a) Food/Beverage Fundraiser Approval Process

1. **Application Process**: At least two (2) weeks prior to the fundraiser, School Administrators shall submit a *Request Form for Food/Beverage Events in Schools* (see Appendix A) to the FNSMD that includes:
    i. Name of School and Host club, group or organization;
    ii. Date, time, and location of the fundraiser;
    iii. A complete list of all foods and beverages to be sold, including product names, portion/package sizes, and ingredients, nutrition labels, or manufacturer product information sufficient to determine Smart Snacks compliance; and
    iv. Copy of valid DPHSS health certificate and sanitary permit requirements, if applicable.
2. **Review and Approval**:

i. FNSMD shall review the request and issue a determination in writing to the School Administrator.

3. **Adherence and Compliance**: Once approval is granted, the School Administrator shall be responsible for ensuring:
   i. Only approved items are sold during the approved time period;
   ii. Fundraiser activities comply with this SOP and all applicable policies and regulations.

b) **Food/Beverage Limitations**

1. **The sale and/or distribution of foods/beverages *other than* CNP meals, regardless of Smart Snacks compliance, must:**
   i. Begin no earlier than thirty (30) minutes after the end of the school's final scheduled lunch period. *For example, if the final lunch period is scheduled from 11:45am to 12:30pm, food and beverage sales shall not take place until after 1:00pm.*
   ii. Not be distributed, sold, or provided in competition or interference with Child Nutrition Program meals (e.g. school breakfast or school lunch) at any time during meal service or in the food service area.
   iii. Comply with all Guam Department of Public Health and Social Services (DPHSS) Division of Environmental Health and Guam Food Code requirements, including applicable certifications and permits.
2. **Frequency and Duration of Fundraisers/Events**
   i. The sale or distribution of foods and/or beverages that meet Smart Snacks standards are permitted without any limitation on frequency or duration, provided all items sold or distributed remain Smart Snacks compliant and follow all other provisions in this SOP.
   ii. The sale or distribution of foods and/or beverages that do not meet Smart Snacks standards may be approved as Exempted Fundraisers or Events and must comply with all other provisions in this SOP. The number, frequency, and length of Exempted Fundraisers/Events are as follows:
      1. Elementary Schools: Up to ten (10) exempted fundraiser events per school per school year, with each event lasting no more than one (1) day in length.
      2. Middle Schools: Up to ten (10) exempted fundraiser events per school per school year, with each event lasting no more than one (1) day in length.
      3. High Schools: Up to fifteen (15) exempted fundraiser events per school per school year, with each event lasting no more than one (1) day in length.

c) Ticket-Sales for Pre-Ordered / Pre-Cooked Foods

Sales of tickets or coupons for food plates and other food items preordered and distributed in a precooked state and served on campus during the school day may be allowable only under the following conditions:

- For food plates or items that will not be distributed, served, or consumed in a pre-cooked state on the school campus during the school day, the provisions of this SOP shall not apply (e.g. food plate tickets to be redeemed from an off-site vendor outside of school hours).
- For food plates or items that will be distributed, served, or consumed in a pre-cooked state on the school campus during the school day:
    - The food plates and items provided have been prepared, packaged, and served according to the Guam Department of Public Health and Social Services (DPHSS) Division of Environmental Health and Guam Food Code requirements.
    - The fundraiser follows all other applicable approval procedures, limitations, and provisions in this SOP.

d) Student Stores / Student Rewards / Student Celebrations

School/student stores, parties, and celebrations may provide or sell food and/or beverage items, as long as all items are compliant with Smart Snacks nutrition standards at all times. School Administrators are responsible for ensuring:

- All foods/beverages sold/distributed remain Smart Snacks compliant at all times;
- Sale/distribution does not interfere with CNP meal services or times;
- Sale/distribution does not occur until thirty (30) minutes after the last lunch bell; and
- All applicable DPHSS-DEH and Guam Food Code requirements are in place.

School/Student stores are subject to monitoring and compliance review at all times. Schools shall not use foods or beverages as student rewards or incentives at any time.

e) Marketing and Promotion of Food/Beverage Sales

Any marketing of foods and/or beverages on the school campus and during the school day shall only feature:

- Foods and beverages that meet Smart Snacks standards; or
- Foods and beverages provided as part of the Child Nutrition Program (CNP) breakfast, lunch, or childcare meals.

Schools shall not market or advertise any foods and/or beverages that do not comply with CNP or Smart Snacks nutrition standards at any time on the school campus.

XII. FOOD SAFETY, HEALTH CERTIFICATES, AND SANITARY PERMITS:

Exemptions apply only to the nutrition standards of foods/beverages and DO NOT exempt schools from food safety, health, or sanitation requirements.

All foods and beverages provided to students on school campuses during the school day and described in section XI shall comply with all applicable Department of Public Health and Social Services (DPHSS) and Guam Food Code food safety, health certificate, and sanitary permit regulations.[4]

[4] Guam Code Annotated, Title 10, Chapters 21 and 22. *Health Certificates* and *Sanitation*.

- All individuals involved in the preparation and/or handling of foods/beverages shall possess valid health certificates and food manager certification, as required.
- Schools and/or sponsoring organizations shall obtain and maintain any required sanitary permits prior to conducting food sales.
- School Administrators are responsible for verifying and retaining documentation of compliance with DPHSS requirements.

XIII. ADMINISTRATIVE OVERSIGHT, COMPLIANCE, AND PENALTY:

School Administrators shall be responsible for monitoring and enforcing compliance with this SOP, including maintaining records of all approved food and beverage fundraisers as described above for a period of three (3) years from the current year. The FNSMD shall monitor and ensure compliance with these procedures during annual NSLP/SBP on-site reviews at each school site, and during periodic reviews throughout the school year.

The administration of authorized federal programs, including Child Nutrition Programs, shall be in full compliance with all applicable local and federal laws, rules, and regulations.[5] Failure to adhere to the policies and procedures in this SOP may result in corrective action, as follows:

- 1st Incidence of Non-Compliance – Immediate suspension of noncompliant event; documentation of noncompliance findings, with required corrective action plan (CAP) and timeline for resolution; mandatory retraining with increased monitoring at school site.
- 2nd Incidence of Non-Compliance – Immediate suspension of noncompliant event; written notice of continued noncompliance to supervisory leadership; required CAP and timeline for resolution; mandatory retraining with increased monitoring at school site.
- 3rd Incidence of Non-Compliance – Immediate suspension of noncompliant event; written notice of continued noncompliance to supervisory leadership up to/including administrative action in accordance with Department personnel rules and regulations; withholding of federal reimbursement payments; disqualification of subsequent exempted fundraisers for remainder of the school year; required CAP and timeline for resolution; mandatory retraining with increased monitoring at school site.

In accordance with 7 CFR parts 210 and 220, failure to comply with USDA program requirements may result in withholding of federal reimbursement payments, suspension or termination of participation in federal Child Nutrition Programs, penalties, and/or further legal or administrative actions against the Department as permitted under federal law.

XIV. REFERENCE MATERIALS: Schools may utilize the following resources, provided as Appendices to this SOP, as tools to assist in determining Smart Snack eligibility. The FNSMD will provide final determination of Smart Snack-approved items:

- Appendix A: Application for Food/Beverage Fundraisers
- Appendix B: Guide to Smart Snacks in Schools

[5] Guam Code Annotated, Title 5, Chapter 22, §22306. *Penalty for Noncompliance.*

- Appendix C: Guam DOE Approved Smart Snacks Listing

XV. STAFF DEVELOPMENT AND TRAINING: The FNSMD shall be responsible for providing training and technical assistance related to this SOP to all district personnel on an annual basis and upon request. Training shall be mandatory for all School Administrators and school personnel involved in food sale, fundraising activities, student celebrations, school stores, or food distribution.

XVI. EFFECTIVE DATE: This SOP is effective upon the date of approval and signature.

XVII. CHANGE(s): As in any SOP, changes will be made in accordance with current local, state, and federal regulations. However, in cases of conflict between this manual and the provisions of 7 CFR Parts 210 & 220, the CFR provisions shall prevail. All those involved with Child Nutrition Programs should exercise their responsibilities with the diligence and dedication of responsible GDOE officials. Changes to this policy shall be effectuated by the Superintendent of Education.

Approved by:

/ / APPROVED / / DISAPPROVED

6/26/26

Anthony Sean Monforte, Administrator Date:
Food & Nutrition Services Management Division

/ / / APPROVED / / DISAPPROVED

6/24/26

Jacqueline A. Quitugua, Deputy Superintendent Date:
Educational Support and Community Learning

/ X / APPROVED / / DISAPPROVED

6-25-26

Judith T. Won Pat, Ed. D. Date:
Superintendent of Education