



## Ohio Administrative Code

### Rule 3301-91-09 Guidance for approving food to be sold in schools.

Effective: [March 31, 2022](#)

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To comply with section 3313.814 of the Revised Code, each school district board of education and chartered nonpublic school governing authority shall adopt and enforce standards that shall be used as the basis for approving all food and beverages to be sold in schools and establishing a time and place for such approved food and beverages to be sold. Such standards shall comply with sections 3313.816 and 3313.817 of the Revised Code, but nothing in this rule shall prohibit the standards from being more restrictive than otherwise required by those sections. The following criteria, set by the United States department of agriculture, are to be used as guidance for establishing standards:

- (A) Consider the nutritional value of each food or beverage. The types of food and beverages sold in schools should be determined as to their potential to contribute significantly to the daily nutritional needs of children and to enhance the school district's nutrition philosophy and nutrition education curriculum.
- (B) Establish the time of day and place for sale of food and beverages. The time of day and place for the sale of food and beverages to students should be consistent with the nutrient intake needs and eating patterns of students and compatible with class schedules for schools within the district and comply with sections 3313.814, 3313.816, and 3313.817 of the Revised Code. Separate standards may be established for the types of food and beverages to be sold to staff members.
- (C) Approve provisions through resolution. Each board of education and chartered nonpublic school governing authority should approve the types of food and beverages to be sold and determine when and where such food and beverages will be sold through board or governing authority resolution. Each board of education or governing authority should provide opportunity for input from members of the community, including students, parents, nutritionists and school personnel, on the sale of food and beverages in schools.
- (D) Prepare an annual report and presentation. Each board or governing authority should designate staff to be responsible for ensuring that the school district or school meets the nutrition standards



adopted under this section. The staff should prepare an annual report regarding the district's or school's compliance with the standards and include it in the report to the department of education prescribed in section 3301.68 of the Revised Code. The board or governing authority annually may schedule a presentation on the nutrition standards report at one of its regular meetings. Any nutrition standards report made by a board or governing authority shall be available to the public upon request.