



**NATIONAL POLICY & LEGAL ANALYSIS NETWORK
TO PREVENT CHILDHOOD OBESITY**

District Policy Establishing a Healthy Vending Program

Developed by the National Policy & Legal Analysis Network to
Prevent Childhood Obesity (NPLAN)

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This sample policy is provided as a guide and is not offered or intended as legal advice. Readers should seek the advice of an attorney when confronted with legal issues, and attorneys should perform an independent evaluation of the issues raised.

District Policy Establishing a Healthy Vending Program

1. Purpose and Goals

The District shall create a healthy vending program to:

- Ensure uniform implementation of the District's Wellness Policy,
- Enhance revenues to the District, and
- Ensure revenues generated from vending sales are properly accounted and applied to student body programs, school sites, or reinvested in District meal program in compliance with state and federal regulations.

2. Policy

The District shall implement a District-wide Vending Machine Program that places exclusive authority over all vending activities under the control of District administrators. The District shall ensure all products sold in the vending machines meet the nutritional standards of the Wellness Policy.

3. Implementationⁱ

- a. The District's exclusive authority over the vending program means that at the minimum the District shall:
- b. Implement and conduct the Vending Program in accordance with all federal, state, and local laws;
- c. Identify vendors through a competitive procurement process;
- d. Negotiate and enter into only those vending contracts that help achieve Wellness Policy objectives and ensure all vending contracts contain language that permits the District to enforce the Wellness Policy objectives contained in the contract to the maximum extent permitted by law;
- e. Enter into only those vending contracts that maximize revenues to the District, provide for accurate and timely revenue reports, permit District auditing rights, permit contract renegotiations in the event that the Wellness Policy or federal or state law is amended during the term of the contract, and have a duration of no more than __ years;
- f. Consult on a regular basis with school site administrators to ensure open and continuous communication about the Vending Program;
- g. Establish the maximum number of machines to be allowed per site;

- h. Pre-identify all the vending machine locations;
 - i. Select all products to be vended and ensure that all products are consistent with the Wellness Policy;
 - j. Ensure students who attend school-based preschool programs or elementary schools do not have access to vending machines;
 - k. Establish the hours vending machines can be operated;
 - l. Establish and maintain a system of financial accountability that safeguards public funds, applies all Vending Program revenues towards student body programs, school sites, or District meal programs, and, to the greatest extent possible, shares revenues across District lines in compliance with state and federal regulations.
4. Nothing in the Vending Program shall be construed to require a school site principal or administrator to place vending machines on their school site and the decision whether to install vending machines shall be retained solely by each individual principal or school site administrator.

ⁱ The District may wish to place the implementation principles in the policy or in regulations, consistent with the District's policy.