

## Chancellor's Regulation A-812 – Frequently Asked Questions

Childhood obesity is epidemic throughout the U.S. and in New York City. Childhood obesity has both immediate and long-term health effects. It increases the likelihood of adult obesity, which is associated with diabetes, heart disease and cancer. Current research also reveals that higher levels of fitness are associated with better academic performance.

Chancellor's Regulation A-812 governs the sale of foods in various settings, like vending machines, student stores, and fundraising sales. The regulation seeks to improve the nutritional quality of food and beverages available for sale to students in schools, while providing flexibility for food fundraising within the parameters of the Department of Education's Wellness Policy. Under Regulation A-812, only foods and beverages approved by the Office of SchoolFood and/or purchased through central contracts may be sold to pupils between the start of the day until 6:00 p.m. on weekdays, with a once per month exception for PTA food fundraisers.

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### **Food Fundraising for Student Clubs & School Groups**

**Q: When can student clubs and school groups hold food fundraisers? What food may be sold?**

**A:** Student clubs and other school fundraiser groups may sell food items and beverages from the list of [approved items](#) at any time from the beginning of the school day until 6:00pm. The food fundraising sales must occur outside of the cafeteria. Food and beverages that are not on the approved list may not be sold during the school day (beginning of the day until 6:00pm).

**Q. How can student and school groups buy approved snacks and beverages to sell at fundraisers?**

**A:** Approved snacks and beverages can be purchased in a few different ways. Visit the [SchoolFood website](#) to view the [list of approved snacks and beverages](#). If you are going to order from DOE vendors, be sure to have the item name, order number, and the quantity of each item readily available when you are ready to order. To purchase snacks and/or beverages:

- Call Answer Vending at (800) 310-9334 to order approved snack products. Payment must be made on delivery with cash or check.
- Call CC Vending at (877) 350-3950 to order approved beverage products. Payment must be made on delivery with cash or check.
- Visit [www.schoolsnackshop.com](http://www.schoolsnackshop.com) to order approved items online.
- Check your local stores. Some may carry the approved items. Purchase of the identical approved items from sources other than the DOE vendor is permitted, but only the DOE vendor can deliver the items to the school.

**Q: Can groups sell items that meet SchoolFood's nutritional requirements but that are not on the approved list of items?**

**A:** Only foods and beverages that are on the approved list may be sold. However, we are always looking for new pre-packaged items that meet the nutritional requirements. If you have an item that you think should be added to the list of approved foods and beverages, you can:

- Submit a retail package (including nutritional label, ingredient list, and allergen statement) of the proposed product to:  
**Office of SchoolFood, Attention: Culinary Concepts, 44-36 Vernon Blvd. Rm. 413, LIC, NY 11101**
- Email suggestions for products to [foodproductideas@schools.nyc.gov](mailto:foodproductideas@schools.nyc.gov).

Our chef and nutritionist will review the product to ensure that it meets our nutrition specifications. Products that meet the established standards will be added to the approved list on our website.

**Q: How should student clubs or school groups account for revenue raised during food fundraising events?**

**A:** All proceeds from school-sponsored fundraising activities accrue to the school's treasury. The procedures for collecting, depositing and disbursing these funds are described in the [Standard Operating Procedure](#).

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### **Food Fundraising for PA/PTAs**

**Q: What regulations govern PA/PTA fundraising? What are the rules about food sales by PA/PTAs?**

**A:** There are three regulations that inform fundraising by Parent Associations and Parent-Teacher Associations.

- [Chancellor's Regulation A-610](#) regulates the collection of money from students. Allows PA/PTAs to hold fundraising events that involve students during instructional hours twice per school year.
- [Chancellor's Regulation A-812](#) regulates food sales involving students and allows PA/PTAs to hold one fundraiser with non-approved foods per month during the school day (beginning of the day until 6:00 p.m.). The sale of non-approved foods must take place outside of the cafeteria.
- [Chancellor's Regulation A-660](#) state all PA/PTA fundraising activities must comply with the Chancellor's Regulations on Flea Markets (A-650), Fundraising Activities and Collection of Money from Students (A-610), Sale of Nutritious and Non-Nutritious Foods (A-812).

These regulations complement one another, and no one regulation over-rides another. The three regulations should be considered collectively.

**Q: How should PA/PTAs account for revenue generated by food fundraiser sales?**

**A.** Like all proceeds from parent-sponsored fundraising activities, revenue from food fundraisers accrues to the parent association treasury. The procedures for collecting, depositing and disbursing these funds are described in the [Standard Operating Procedure](#).

**Q: Can the PA/PTA purchase approved snacks & beverages through the DOE contracted vendors for food fundraisers not involving students during instructional hours?**

**A:** Absolutely. PA/PTAs may order approved snack and beverage items to use in fundraising. Visit the [SchoolFood website](#) to view the [list of approved snacks and beverages](#). To order, call Answer Vending at (800) 310-9334 to order approved snack products, call CC Vending at (877) 350-3950 to order approved beverage products, or visit [www.schoolsnackshop.com](http://www.schoolsnackshop.com) to order approved snacks and beverages online. Payment must be made on delivery with cash or check.

**Q: Where can I find the list of nutritional guidelines and approved food and beverage products for sale?**

**A:** Go to the SchoolFood Website at [www.opt-osfns.org/osfns](http://www.opt-osfns.org/osfns).

### **Beverage and Snack Vending Machines**

**Q: Do schools receive any money from snack and beverage vending machines?**

**A:** Yes. Each school will receive 28.05% of gross sales generated from snack vending machines and 25.5% of gross sales generated from beverage machines. Snack and beverage vending machines are assigned to a single ATS code. All commissions generated from each machine listed under the same ATS code are combined, so the school will receive one check each month from DOE's Division of Financial Operations.

**Q: How do schools account for revenue generated from snack and beverage vending machines?**

**A:** All revenue generated from school-based snack food and beverage sales available to the schools must be treated in the same manner as General School Funds. Revenue must be accounted for and spent in conformity with the DOE [Standard Operating Procedure](#). ("SOP") Chapter entitled, "General School Funds & Cash Transactions."

**Q: Can schools select a vending company of their choice to install and service machines in student and teacher areas?**

**A:** No. Answer Vending and CC Vending are the only authorized vendors for NYCDOE buildings. They were awarded exclusive rights to provide snacks (Answer Vending) and beverages (CC Vending) following a competitive bid process.

**Q: Are there other companies that work for Answer Vending and CC Vending and service vending machines in schools?**

**A:** Yes. Answer Vending and CC Vending have subcontracted companies to service DOE-approved vending machines and deliver approved snacks and beverages to school stores and for fundraising needs. To verify if a vendor is subcontracted to service your school district, contact Latoya Spruill, Office of SchoolFood, at (718) 707-4246 or [LSpruill@schools.nyc.gov](mailto:LSpruill@schools.nyc.gov).

**Q: Which schools are allowed to have authorized snack and beverage vending machines?**

**A:** All schools may have authorized beverage vending machines. Snack vending machines are only available in middle, high, and secondary schools located in buildings with students in grade 6 and higher. Snack vending machines are not permitted in elementary schools. If a school with grades 6 and higher is located in a building that also houses an elementary school, a snack machine can be installed only if it is in a space that is inaccessible to students in grades below grade 6. If a school is interested in installing a vending machine stocked with approved foods, please contact Latoya Spruill, Office of SchoolFood, at (718) 707-4246 or [LSpruill@schools.nyc.gov](mailto:LSpruill@schools.nyc.gov).

**Q: Can a school refuse to have a vending machine installed on their premises?**

**A:** Yes. Schools are not mandated to install authorized snack and beverage vending machines.

**Q: When can snack vending machines that are accessible to students operate?**

**A:** Snack vending machines are equipped with timers and not allowed to operate during breakfast and lunch service.

**Q: Can authorized beverage machines accessible to students operate throughout the entire school day?**

**A:** Beverage vending machines can operate without timers, as approved drink items may be sold throughout the entire school day.

**Q: Are schools required to use DOE contracted vendors for machines installed in school employee-only areas?**

**A:** Yes. All vending machines located in employee lounges or other spaces only accessible to teachers and school staff must be acquired from Answer Vending and/or CC Vending.

**Q: Are machines installed in employee-only areas limited to the same snack and beverage items found in student area machines?**

**A:** No. A-812 is not intended to limit the types of snacks or beverages that may be sold in employee lounges and other spaces only accessible to teachers and school staff. However, school administration must ensure that students do not have access to vending machines or other items for sale at these locations.

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### **Snack and Beverages Sold in School Stores**

**Q: What snack and beverage items can be sold in school stores?**

**A:** School stores may only sell [approved snack and beverage products](#). These products meet the Office of SchoolFood Nutritional Guidelines that can be found online at [www.opt-osfns.org/osfns](http://www.opt-osfns.org/osfns).

**Q: When can school stores sell approved snack food products?**

**A:** School stores may sell approved snack products throughout the school day except during breakfast and lunch meal times.

**Q: When can school stores sell approved beverage products?**

**A:** School stores may sell approved beverages throughout the entire school day.

**Q: Can school stores purchase approved foods or beverages from a source other than DOE vendors?**

**A:** School stores are allowed to purchase the approved snack and beverage items on a "cash and carry" basis (not delivered).

**Q: Who should I contact to purchase approved snack and beverage products for school stores?**

**A:** Call Answer Vending at (800) 310-9334 to order approved snack products. Call CC Vending at (877) 350-3950 to order approved beverage products. Order approved snacks and beverages online at [www.schoolsnackshop.com](http://www.schoolsnackshop.com). Payment must be made on delivery with cash or check.

**Q: Who can I contact if I have additional questions about Chancellor's Regulation A-812?**

**A:** Please contact Latoya Spruill, Project Manager, Office of SchoolFood, at (718) 707-4246 or [LSpruill@schools.nyc.gov](mailto:LSpruill@schools.nyc.gov).