**Section 305.15 Sale of Competitive Food in Participating Schools**

a) Beginning July 1, 2014, each participating school shall adhere to the competitive food standards for the sale of competitive food sold to students on the school campus of the participating school during the school day, except as permitted under subsection (b). (See 7 CFR 210.11 (2013).)

b) A participating school may annually have no more than the number of exempted fundraising days authorized in this subsection (b).

1) For school year 2014-15, the number of exempted fundraising days shall be limited to:

A) No more than nine exempted fundraising days for participating schools with grades 8 and below; and

B) No more than 36 exempted fundraising days for participating schools with grades 9 through 12.

2) For school year 2015-16 and after, the number of exempted fundraising days shall be:

A) prohibited in participating schools with grades 8 and below; and

B) limited to no more than nine exempted fundraising days for participating schools with grades 9 through 12.

3) The provisions of this subsection (b) do not limit the number of foods and beverages that may be sold to students on an exempted fundraising day nor do they limit the number of organizations or clubs to which a participating school may grant permission to offer competitive food for sale to students on an exempted fundraising day.

c) In order to have exempted fundraising days authorized under subsection (b), a participating school shall:

1) adopt a policy stating the procedures to be used to request an exempted fundraising day, and the process and criteria to review and approve or deny a request;

2) include the fundraising policy adopted under subsection (c)(1) in the participating school's local school wellness policy established in accordance with 42 USC 1758b and any federal regulations issued under that statute (see proposed rule at 79 Fed. Reg. 10693, February 26, 2014); and

3) maintain for no less than three years a listing of the exempted fundraising days held; these records shall be retained in accordance with the requirements of 7 CFR 210.9(b)(17) (2013).

d) All revenue from the sale of any food or beverage meeting the competitive food standards sold to students in the food service areas during the meal period shall accrue to the nonprofit school lunch program account.

(Source: Amended at 38 Ill. Reg. 23192, effective November 19, 2014)