

SUBJECT: VENDING MACHINES

The Board of Education may permit the placement of vending machines in the schools if, in the opinion of the Superintendent or his/her designee, such vending machines are deemed proper and appropriate, and are operated in accordance with applicable law and regulations. The number and type of vending machines must also receive prior approval of the Superintendent or his/her designee. However, the Board of Education retains sole and final authority as to the selection of the vendor and the placement of vending machines or similar apparatus on School District property. The School Business Administrator is charged with establishing and maintaining appropriate accounting procedures for District owned/leased vending machines, or machines under the control of extracurricular student organizations, in accordance with applicable law or regulation.

Whether the District owns or leases vending machines, the District must purchase the items to be dispensed through the machines in accordance with competitive bidding requirements if mandated by law.

The Board of Education also prohibits any arrangement between District employees or student organizations and vending machine vendors to do anything other than provide the services of the vendor's machines as authorized pursuant to contract or service agreement.

In accordance with Education Law, vending machines accessible to students which sell certain sweetened foods, including but not limited to, sweetened soda water; chewing gum; candy including hard candy, jellies, gums, marshmallow candies, licorice, and candy coated popcorn; and water ices except those which contain fruit juices, must be inoperative from the beginning of the school day until the end of the last scheduled meal period each school day. Vending machines selling fruit juices in accordance with federal and state regulations may operate during school lunch hours.

Districts that participate in the National School Lunch and Breakfast Programs must ensure that any moneys received from the sale of competitive foods from vending machines in the cafeteria area are applied only to the benefit of the school lunch program, the school, or to duly authorized student organizations.

Vending Machines: Extracurricular Student Organizations

Any extracurricular student organization wishing to place a vending machine on District property shall receive prior approval of the Superintendent or his/her designee, with final authorization by the Board of Education as to the vendor and the location for the machine.

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SUBJECT: VENDING MACHINES (Cont'd.)

All vending machines under the control of extracurricular student organizations shall be registered in the name of the applicable Board appointed Extracurricular Activity Advisor and the School District. All moneys collected by such vending machines shall be deposited with the Board designated Treasurer of the extraclassroom activities fund. Further, all receipts and inventory reports of each vending machine must be kept by the Extracurricular Activity Advisor and the student(s) appointed by the extracurricular organization, and recorded on appropriate forms.

Additionally, reports for each machine shall be made at least quarterly to the Board of Education; however, inventory and receipt reports (including sales/cost records) shall also be maintained and submitted to the School Business Administrator on a regular basis. If the accounting and inventory reports for any vending machine are inadequate as determined by the School Business Administrator, then approval for that machine may be withdrawn by the Board. Any rebate money for sales on a vending machine shall be made payable to the School District and the extracurricular student organization. Such rebates are to be reflected on the reports regularly submitted to the School Business Administrator and on the quarterly reports to the Board of Education.

Education Law Sections 915 and 1725
General Municipal Law Section 103
8 New York Code of Rules and Regulations
(NYCRR) Part 172
*The Safeguarding, Accounting and Auditing of
Extraclassroom Activities Fund,*
State Education Department, 1992