

CHAPTER 9- SMART SNACKS- All FOODS SOLD ON CAMPUS

This chapter discusses the requirements for “**All Foods Sold on Campus**” including fundraisers as required by the Healthy, Hunger-Free Kids Act of 2010. This is currently an interim rule and the requirements may change throughout the School Year 2016-2017. However, being an interim rule, all SFAs that sell foods sold on campus must implement the requirements.

OVERVIEW

USDA recently published practical, science-based nutrition standards for snack foods and beverages sold to children at school during the school day. The standards, required by the Healthy, Hunger-Free Kids Act of 2010, will allow schools to offer healthier snack foods to children, while limiting junk food.

The new standards will allow schools to offer healthier snack foods for our children, while limiting junk food served to students. Students will still be able to buy snacks that meet common-sense standards for fat, saturated fat, sugar, and sodium, while promoting products that have whole grains, low fat dairy, fruits, vegetables, or protein foods as their main ingredients.

It is important to note that USDA has no role in regulating foods brought from home. The standards do not apply to any foods brought to school in bagged lunches, or for birthday parties and special events, including after-school bake sales and fundraisers.

Why are these standards necessary? Nearly one third of children in America are at risk for preventable diseases like diabetes and heart disease due to being overweight or obese. If left unaddressed, health experts tell us that this generation may be the first to live shorter lives than their parents.

Students across the country are now getting healthier school lunches with more fruits and vegetables, whole grains, and low-fat dairy based on scientific recommendations for nutrition. Yet for most teens and a growing percentage of elementary students, items offered a la carte and in vending machines still lack healthy options. Many students consume at least one snack food a day at school.

Parents are working hard to ensure their children grow up healthy and their efforts should not be undone when their kids go to school. Our children’s ability to learn in the classroom and reach their fullest potential depends on what we do right now to secure their future.

The Smart Snacks nutrition standards included in the interim final rule apply only to food **sold** to students on the school campus during the school day. If such foods are provided to the students free of any charge or “contribution”, or the exchange of tokens or tickets of any sort, the competitive foods standards do not apply.

The Smart Snacks nutrition requirements apply only when foods outside of the school meal programs are sold or available to be sold to students during the school day, on the school

campus, as defined in the interim final rule. The requirements of the interim final rule are not applicable to food sold to non-students, such as parents or school faculty/staff members.

The new standards are the minimum requirements for schools. States and schools that have stronger standards will be able to maintain their own policies.

NUTRITION STANDARDS

The nutrition standards for foods sold on school campus during the school day must:

- Be a “whole grain-rich” grain product; or
- Have as the first ingredient a fruit, a vegetable, a dairy product, or a protein food; or
- Be a combination food that contains at least ¼ cup of fruit and/or vegetable; or
- Contain 10% of the Daily Value (DV) of one of the nutrients of public health concern in the 2010 Dietary Guidelines for Americans (calcium, potassium, vitamin D, or dietary fiber).*

Foods must also meet several nutrient requirements:

Calorie limits:

- Snack items: ≤ 200 calories
- Entrée items: ≤ 350 calories

Sodium limits:

- Snack items: ≤ 230 mg**
- Entrée items: ≤ 480 mg

Fat limits:

- Total fat: ≤35% of calories
- Saturated fat: < 10% of calories
- Trans fat: zero grams

Sugar limit:

- ≤ 35% of weight from total sugars in foods

Nutrition Standards for Beverages

- All schools may sell:
 - Plain water (with or without carbonation)
 - Unflavored low fat milk
 - Unflavored or flavored fat free milk and milk alternatives permitted by NSLP/SBP
 - 100% fruit or vegetable juice and
 - 100% fruit or vegetable juice diluted with water (with or without carbonation), and no added sweeteners.
- Elementary schools may sell up to 8-ounce portions, while middle schools and high schools may sell up to 12-ounce portions of milk and juice. There is no portion size limit for plain water.

- Beyond this, the standards allow additional “no calorie” and “lower calorie” beverage options for high school students.
 - No more than 20-ounce portions of
 - Calorie-free, flavored water (with or without carbonation); and
 - Other flavored and/or carbonated beverages that are labeled to contain < 5 calories per 8 fluid ounces or ≤ 10 calories per 20 fluid ounces.
 - No more than 12-ounce portions of
 - Beverages with ≤ 40 calories per 8 fluid ounces, or ≤ 60 calories per 12 fluid ounces.

Other Requirements

- Fundraisers
 - The sale of food items that meet nutrition requirements at fundraisers are not limited in any way under the standards.
 - The standards do not apply during non-school hours, on weekends and at off-campus fundraising events. School day begins 12:00 am until 30 minutes after the last bell. If such programs are operated in the school during the school day, or if afterschool snacks or meals are provided within the 30 minute window after the end of the instructional day, any other food available **for sale** to students at that time must comply with the Smart Snacks requirements.
 - The standards provide a special exemption for infrequent fundraisers that do not meet the nutrition standards. State agencies may determine the frequency with which fundraising activities take place that allow the sale of food and beverage items that do not meet the nutrition standards.
- Accompaniments
 - Accompaniments such as cream cheese, salad dressing and butter must be included in the nutrient profile as part of the food item sold.
 - This helps control the amount of calories, fat, sugar and sodium added to foods by accompaniments, which can be significant.

CALCULATING PERCENTAGE OF CALORIES FROM FAT CONTAINED IN AN ITEM

There are two methods of calculating this percentage based on the information found on the nutrition facts panel. Both are acceptable, though they may yield slightly different results. The nutrition facts panel includes total fat in two places: (1) listed as calories from fat near the top, and (2) listed in grams with the other nutrients. The percent of calories from fat may be calculated using either number.

To calculate using the calories from fat information, take the calories from fat listed on the label and divide by the total calories, then multiply by 100. Using the nutrition facts panel example shown here to calculate the calories from fat method, the calculation would be as follows: 50 calories ÷ 140 calories x 100 = 35.7 percent of calories from fat.

To use the grams of total fat method, take the grams of fat on the label and multiply by 9 (the calories in each gram of fat), divide that result by the total calories, then multiply by

100. Using the nutrition facts panel example here, the calculation would be: 5 grams x 9 calories ÷ 140 calories x 100 = 32.14 percent of calories from fat.

These two methods will often provide slightly different results because the FDA has different rounding rules for the labeling of each of these nutrients on the nutrition facts panel. However, if either method results in less than or equal to 35 percent of calories from fat (do not round the result), the product will meet the total fat standard. The example above could be sold since the result, using the grams of total fat, is less than or equal to 35 percent of calories from fat.

We recommend you start by using the calories from fat listed at the top of the nutrition facts panel. If the result is less than or equal to 35 percent of calories from fat, there is no need to do the calculation with the total fat grams. If the result does not meet the standard, use the grams of total fat to determine if the item meets the total fat standard.

To calculate the percentage of calories from saturated fat, take the grams of saturated fat and multiply by 9 (the calories in each gram of saturated fat), divide that result by the total calories, then multiply by 100. Using the nutrition facts panel from question 12, the calculation would be: (0.5 grams x 9 calories) ÷ 140 x 100 = 3.2 percent. Do not round the result since the standard is less than 10 percent of calories from saturated fat. A product with up to 9.9 percent of calories from saturated fat will meet the standard.

To calculate the percentage of sugar by weight, take the grams of sugar on the nutrition facts panel and divide that by the total weight of the food in grams. Using the nutrition facts panel from question 12, the calculation would be: 2g (grams of sugar) ÷ 28g (total weight of food) x 100 = 7.14% sugar by weight. Total sugar must be no more than 35 percent by weight. Do not round the result.

Saturated Fat Requirement

Foods eligible to be sold must derive **less than** 10 percent of their calories from saturated fat. A food that has exactly 10 percent of calories from saturated fat would **not** meet the standard. The preamble incorrectly states the requirement. However, the regulation at §210.11(f)(1)(ii) correctly states the requirement that the saturated fat content of a competitive food must be less than 10 percent of total calories per item as packaged or served, with specific exemptions as specified in (f)(3) of the regulation.

Trans Fat Requirement

Per FDA labeling requirements, a product must have less than 0.5g of trans fat to be labeled as a product that contains 0g trans fat. Program operators should only select foods that contain 0g of trans fat as stated on the nutrition facts panel (unless it is a naturally occurring trans fat). We are aware that there is a discrepancy between what is in the Smart Snacks preamble and regulation and the FDA requirements for labeling a product as 0 grams of trans fat. This error will be corrected in the final rule. The requirement for Smart Snacks is that a product must be labeled as 0 g of trans fat (contain less than 0.5 g) to be allowable, consistent with the FDA labeling requirements.

Popcorn is whole grain and may be eligible as a smart snack, provided it meets all applicable standards. The ingredient label must list the first ingredient as popcorn to meet the general standard. There are many different types of popcorn available on the market, some with added fats and/or sugars, therefore, the nutrition facts panel or product specifications must be checked to determine if the product meets the nutrition standards.

A dried/dehydrated fruit or vegetable such as dried cherries or potato flakes listed as the first ingredient does qualify the product under the general standards for Smart Snacks. All nutrient standards must be met for calories, total fat, saturated fat, trans fat, sodium, and sugar. However, dehydrated or concentrated juice or puree is considered added sugar and does not qualify a product for sale under the general standard.

A LA CARTE SALES

Individual entrée items offered as part of lunch or breakfast from all competitive food standards when sold a la carte the day of or the day after they are served as part of a reimbursable meal are exempt from the Smart Snack Rule. However, side dishes and other items sold during the day must follow the nutrition standards of the rule.

ENTREES

“Entrée item” is defined in the Smart Snacks in School rule as “an item that is either: (i) A combination food of meat or meat alternate and whole grain rich food; or (ii) A combination food of vegetable or fruit and meat or meat alternate; or (iii) A meat or meat alternate alone with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters, and meat snacks (such as dried beef jerky).” The interim final rule does not include grain-only items as entrée items. However, Food and Nutrition Service (FNS) understands this may limit the availability of products which are healthy choices that students are accustomed to having for breakfast. Therefore, a school food authority (SFA) is permitted to determine which item(s) are the entrée items for breakfasts offered as part of the SBP.

As with NSLP entrée items, any entrée item offered as part of the SBP is exempt from all competitive food standards if it is offered as a competitive food on the day of, or the day after, it is served in the SBP. For example, if the SFA serves whole-grain rich pancakes as the main dish for the SBP, then they can be considered an entrée and be exempt from the standards on the day of and the day after they are served. Exempt entree items offered as a competitive food must be offered in the same or smaller portion sizes as in the NSLP or SBP.

A combination meat/meat alternate and whole grain-rich food meets the definition of an entrée item. Cheese or peanut butter alone is not considered to be an entrée; however, when combined with whole grain-rich bread, these sandwiches are entrée items. Unless served as an entrée in the NSLP on that day or the day after, all entrée items must also meet the Smart Snacks general and nutrient standards.

Entrees served as part of a reimbursable meal

The interim final rule provides that entrees that have been served as part of the NSLP or SBP reimbursable meal are exempt from the Smart Snacks food standards on the **day of service** in the NSLP and SBP, as well as the **day after** such an entrée is served in the NSLP or SBP as part of the reimbursable meal. This means that such entrée items may be sold to students a la carte on the same day that they are served as part of the reimbursable meal, as well as the day after such an entrée item has been served as part of the NSLP or SBP meal.

COMBINATION FOODS

A combination food is defined as a product that contains two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein or grains. If a combination food does not meet the general standards by being (1) a grain product that contains 50 percent or more whole grains by weight or have whole grains as the first ingredient **or** (2) having one of the non-grain major food groups as a first ingredient (fruits, vegetables, dairy, protein food) **or** (3) a food that contains 10 percent of the Daily Value of a nutrient of public health concern from the DGA (i.e., calcium, potassium, vitamin D or dietary fiber), then such a combination food must contain $\frac{1}{4}$ cup of fruit and/or vegetable.

One example of a combination food is a blueberry muffin. A blueberry muffin may not meet the general standard if it does not contain 50% or more whole grains by weight or if the first ingredient listed is not a whole grain, fruit, vegetable, dairy or protein item. However, if the muffin contains refined grains and $\frac{1}{4}$ cup of blueberries, the muffin meets the general standard requirement as a combination food that contains $\frac{1}{4}$ cup fruit and/or vegetable. (Additionally, the muffin must also meet the specific nutrient standards for fat, sugar, sodium, etc.) Some other examples of combination foods would be the Harvest Stew or Vegetable Chili Boat recipes from the Recipes for Healthy Kids contest. Each of these soups contains at least $\frac{1}{4}$ cup of vegetable and meets the nutrient standards and may be allowable under the Smart Snacks standards in appropriate portions.

Another example is a 100-calorie pouch of small chocolate chip cookies (approximately 21 grams) combined with one small banana (approximately 100 grams) is a combination item if packaged and sold together; the cookies contain grain and the small banana is about $\frac{1}{2}$ cup of fruit. The nutrients for this example combination are 190 calories, 3 g of fat (14% calories from fat), 1 g of saturated fat (5% calories from saturated fat), 0 g trans fat, 95 mg of sodium, and 20 g of sugar (17% sugar by weight).

Exemptions to Combination Food Rule

There are only two types of combination foods exempt from all or some of the nutrient standards. Canned, fresh, and frozen fruits and vegetables that are combined may be exempt from all of the nutrient standards as long as there are no added ingredients except water. For example, fresh salsa made from tomatoes, onions, and garlic, with no other ingredients, is exempt from each of the nutrient standards.

While combination foods comprised entirely of fruits and/or vegetables are exempt from all the nutrient standards, there are some other combination items that are exempt from a subset of nutrient standards. Specifically, items that are made from only dried fruit, nuts, and/or seeds are one specific type of combination food item that is exempt from the total fat standard, saturated fat standard, and the sugar standard as long as such products contain no added nutritive sweeteners or fats. Such products are still subject to the calorie, trans fat, and sodium standards.

Side Dishes

Side dishes offered as part of the NSLP or SBP and sold a la carte must always meet the nutrition standards contained in the Smart Snacks in School rule. Side dishes and snacks offered as part of a reimbursable lunch or breakfast are not exempt from the Smart Snacks nutrition requirements. In the example above, the other items offered as part of the pancake meal would be considered side dishes and, as such, would not be exempt from the Smart Snacks requirements.

In cases in which the school does not participate in the SBP and grain-only items such as bagels, waffles, etc. are offered for sale in the school, such items, along with their accompaniments, must meet all of the Smart Snacks standards prescribed for side dishes or snack items whenever sold to students.

Side Salads

A side salad may qualify based either on the first ingredient being a vegetable or as a combination food. For example, 1 cup of romaine lettuce, ¼ cup sliced cucumbers, 8 cherry tomatoes, 4 croutons, and 1 tablespoon of low-calorie Caesar dressing that contains 57 calories,

1 gram of fat (16% of calories from fat), 0 g saturated fat, 0 g trans fat, 191 mg of sodium, and 4% sugar by weight would be allowable.

Cheese and Crackers

To meet the general standard, the first ingredient in cheese and crackers packaged together must be either a dairy food or a whole grain. Cheese and crackers must also meet all of the specific nutrient standards. If the cheese and the crackers are packaged separately and sold as separate items, reduced-fat cheese or part-skim mozzarella would be exempt from the total and saturated fat standard but subject to all other standards, while the crackers would need to have as the first ingredient a whole grain and meet all other Smart Snacks nutrition standards.

BEVERAGES

The Smart Snacks Interim Final rule does not change the meal pattern and nutrition standards for the National School Lunch Program (NSLP) or the School Breakfast Program (SBP). Milk is one component of a reimbursable meal. The milk component may be declined in the case of offer vs. serve. However, beverages, other than juice and smoothies offered as the fruit or vegetable component of the reimbursable meal, would have to be purchased a la carte.

Use the nutrition facts panel as the guide. Beverages with ≤ 10 calories per 20 fl oz may be sold in containers up to 20 fl oz. Additionally, if a beverage is labeled as < 5 calories per 8 fl oz, and there are not more than 2.5 servings in the 20 oz container, it may be sold.

BEVERAGE STANDARD FOR EACH GRADE GROUP

Elementary School

- Plain water or plain carbonated water (no size limit);
- Low fat milk, unflavored (≤ 8 fl oz);
- Non fat milk, flavored or unflavored (≤ 8 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements;
- 100% fruit/vegetable juice (≤ 8 fl oz); and
- 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners (≤ 8 fl oz).

Middle School

- Plain water or plain carbonated water (no size limit);
- Low-fat milk, unflavored (≤ 12 fl oz);
- Non-fat milk, flavored or unflavored (≤ 12 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements;
- 100% fruit/vegetable juice (≤ 12 fl oz); and
- 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners (≤ 12 fl oz).

High School

- Plain water or plain carbonated water (no size limit);
- Low-fat milk, unflavored (≤ 12 fl oz);
- Non-fat milk, flavored or unflavored (≤ 12 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements;
- 100% fruit/vegetable juice (≤ 12 fl oz);
- 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners (≤ 12 fl oz);
- Other flavored and/or carbonated beverages (≤ 20 fl oz) that are labeled to contain ≤ 5 calories per 8 fl oz, or ≤ 10 calories per 20 fl oz; and
- Other flavored and/or carbonated beverages (≤ 12 fl oz) that are labeled to contain ≤ 40 calories per 8 fl oz, or ≤ 60 calories per 12 fl oz.

Lower Calorie Beverages

The standard for lower calorie beverages in high school is ≤ 40 calories per 8 fl oz, or ≤ 60 calories for 12 fl oz. This is intended to be proportional. This means that these other beverages may have not more than 5 calories per fluid ounce. A smaller serving of a beverage that contains the maximum calories for a 12 fl oz beverage would **not** meet the standard.

Smoothies

For a smoothie to count as a food, it must meet the general standard by including one of the main food group categories as the first ingredient and it must meet the specific nutrient standards. If the smoothie contains a meat alternate, such as yogurt or peanut butter, and a fruit or vegetable, it would be considered a food. Such a food meets the definition of an entrée item and may be sold as such. If the smoothie does not meet the definition of an entrée item (i.e., does not include a meat/meat alternate), but meets the general and nutrient standards, it may be sold as a snack.

If a smoothie is served as a breakfast entrée item in the SBP, it is exempt from the standards on the day of service and the day after service. For example, a smoothie made with yogurt and fruit, per SP 10-2014: *Smoothies Offered in Child Nutrition Programs*, would be a breakfast entrée item.

A smoothie is considered to be a beverage when it is comprised entirely of beverages that are currently allowable under the standards for 100 percent juice, low fat or non fat milk (including milk alternatives), and water (or ice). For example, a smoothie made from 100% fruit juice, 1% milk and blended with ice would be considered a beverage. The serving size of the beverage smoothie is limited to 8 fl oz for elementary school students and 12 fl oz for middle and high schools.

Frozen Fruit Products

School districts have the flexibility to determine if a frozen fruit product will be categorized as a food or a beverage. If a school district makes the determination that a frozen fruit product is a food, the product must contain one of the a main food groups (protein, dairy, fruit, vegetable) as the first ingredient, be 200 calories or less and meet all the nutrient standards for smart snacks. If a school district determines that a frozen fruit product is a beverage, 8 fluid ounces is the maximum serving size for elementary schools and 12 fluid ounces is the maximum serving size for middle and high schools.

As a beverage, frozen fruit products available in elementary and middle schools must not include any added sweeteners since only 100 percent juice and water are allowed to be sold in those grade levels. If the frozen fruit beverage contains added sweeteners or other ingredients, it would fall into the “Other” allowable beverage category for high school. When this is the case, the beverage must meet the calorie and size restrictions for that beverage category, i.e., ≤ 60 calories per 12 ounces (or 5 calories/1 fl oz) with a maximum size of 12 fl oz.

Coffee and Tea

Cream and sweeteners are accompaniments to coffee and tea. The sugar and cream must be included in the evaluation of the coffee or tea against the beverage standard. The use of accompaniments may be averaged over the number of drinks sold. The other beverage standard in high school permits ≤ 60 calories per 12 fl oz; this is the same as ≤ 5 calorie per 1 fl oz. If a smaller beverage is served, the calories may not exceed 5 calories per fl oz, for example a 6 fl oz beverage may have no more than 30 calories.

Espresso (or coffee) is allowable at the high school level only and may be combined with skim milk, flavored or unflavored. Espresso (or coffee) may also be combined with 1% milk, as long as there is no added flavoring. Additionally, it would be acceptable to sell an espresso beverage over ice or blended with ice. All final beverage sizes must be no more than 12 fl oz.

Soy Products

Soy products, such as tofu and textured vegetable protein (TVP), are considered protein foods. If tofu, TVP, or soybean is listed as the first ingredient, the product meets the general standard and then will need to be evaluated to ensure that the product meets the Smart Snacks nutrient standards.

Soy nuts are **dried** soybeans that fall into both the protein group and vegetable group. Since the fruit and vegetable Smart Snacks requirements exempt only “fresh, frozen and canned vegetables with no added ingredients except water”, soy nuts would **not** be exempt from the nutrient standards. However, even though soy nuts would *not* be exempt from all nutrient standards as a vegetable, they **would be** exempt from the total fat, saturated fat, and sugar standards (if they have no added nutritive sweeteners or fat) under the nut/seeds exemption. Remember, soy nuts are still subject to the calorie, trans fat and sodium standards.

Fortified soy-beverages are allowable milk alternatives in schools, and, therefore, only need to adhere to the appropriate beverage standards for Smart Snacks.

EXCEPTIONS TO THE RULE

Foods Brought from Home, Celebrations, and Afterschool Sporting Events

USDA has no role in regulating foods brought from home. These standards only affect foods that are sold on school campus during the school day. Time honored traditions like treats for birthdays, or foods at an afterschool sporting event, are not subject to these standards.

The purpose of this memorandum is to clarify the status of grain-only items as entrées under the Interim Final Rule titled “National School Lunch Program (NSLP) and School Breakfast Program (SBP): Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010,” also known as the Smart Snacks in School rule.

Offering breakfast items when SFA does not participate in the School Breakfast Program

In cases in which the school does not participate in the SBP and grain-only items such as bagels, waffles, etc. are offered for sale in the school, such items, along with their accompaniments, must meet all of the Smart Snacks standards prescribed for side dishes or snack items whenever sold to students.

Additional information on Smart Snacks in School is available on the FNS website and may be found at <http://www.fns.usda.gov/school-meals/smart-snacks-school>.

FUNDRAISERS

Section 10 of the Child Nutrition Act of 1966, 42 USC 1779, as amended by the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), requires that all food sold outside of the school meal programs, on the school campus and at any time during the school day must meet the nutrition standards set forth in the interim final rule titled “National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010”.

The nutrition standards included in the interim final rule apply to all foods and beverages sold to students on the school campus during the school day. However, in recognition of the tradition of school fundraisers, the HHFKA provides flexibility for special exemptions for the purpose of conducting infrequent school-sponsored fundraisers during which foods that do not meet the nutrition standards for Smart Snacks may be sold. Section 210.11(b)(4) of the interim final rule specifies that such specially exempted fundraisers must not take place more often than the frequency specified by the State agency. As outlined in the interim final rule, if a State agency does not specify the exemption frequency, the State agency is electing to establish a policy that no fundraiser exemptions may be granted. As noted in the preamble to both the proposed and interim final rules, it is expected that State agencies will ensure that the frequency of such exempt fundraisers on school grounds during the school day does not reach a level which would impair the effectiveness of the Smart Snacks requirements.

It is the State agency’s responsibility to establish limitations on the frequency of specially exempted fundraisers in schools. The law requires that the State agency must set an upper limit on the number of fundraisers that would be allowed. If the State agency decides not to establish an upper limit, the State agency is electing to prohibit any exempt fundraisers from being held in schools. The State agency may not delegate the authority to specify exempt fundraiser frequency to local educational agencies (LEAs) or to school food authorities (SFAs). However, we would like to clarify that the State agency has the discretion and flexibility to establish a procedure by which an LEA may request approval for an exemption from the base fundraiser limit established by the State. All such requests must be reviewed and authorized by the State agency. For example, if a State agency sets a limit of three exempt fundraisers per year, the State agency has the discretion to permit

LEAs to request approval for additional numbers of fundraisers to be held in their schools and to develop the method by which the State agency would approve or deny such requests. This approach supports the intent of the HHFKA and the Smart Snacks nutrition standards to ensure the development of a healthier school environment. State agencies are reminded that there are no frequency limits on fundraisers during which food items that meet the standards are sold, nor are there any limits on non-food fundraiser activities.

The Smart Snacks in School nutrition standards include:

- States set an appropriate number of exempt school-sponsored fundraisers.
States are well-positioned to identify the particular needs of their local communities. As such, each state will have the flexibility to set a certain number of fundraisers that can sell foods or beverages that do not meet the nutrition standards.
- No limits on fundraisers that meet the new standards.
In addition, fundraisers that sell non-food items or foods or beverages that meet the new standards are not limited under the nutrition standards. There are many healthy fundraising options available to schools, including selling books, fresh produce, school spirit merchandise or other non-food items during the school day. Your school's local wellness committee may have some great tips on how to raise funds and help students make healthy choices at the same time.

The school day begins at 12:00 am of the same school day and ends 30 minutes after the last class.

- Schools decide what can be sold at events outside of school hours.
Smart Snacks in School only applies to foods and beverages sold to students on the school campus during the school day. The nutrition standards do not apply to foods and beverages sold at events held after school, off campus, or on weekends, such as school plays or sporting events.
- Exceptions for fundraiser foods not intended for consumption in schools.
Fundraising activities that take place outside of school, such as cookie dough or frozen pizza sales, are exempt from the nutrition standards. Distribution of order forms and foods not intended for consumption at school may continue.

Timeframe of Fundraiser

State agencies should address what is considered to be an appropriate timeframe for an exempt fundraising event and include such information as a part of their established exempt fundraiser policy which determines the maximum frequency for exempt fundraisers in schools in the State. It is expected that State agencies will establish a reasonable exempt fundraiser policy consistent with the intent of the law that such fundraisers occur on an infrequent basis. For example, considering a vending machine that is available every day during the school year as a single fundraiser or permitting regular week-long or month-long fundraisers would not meet the statutory and regulatory intent with regard to infrequent fundraiser exemptions.

Information on implementation and guidance on Smart Snacks may be found at the Food and Nutrition Service website at <http://www.fns.usda.gov/school-meals/smart-snacks-school>. State agencies may direct any questions concerning this guidance to the appropriate Food and Nutrition Service Regional Office. We look forward to continuing to work with you on improving the nutrition of our Nation's children.

Fundraiser Request

SFAs should use this form to determine if foods sold are campus as part of a fundraiser meet the requirements of the USDA Child Nutrition Programs. This form may be modified or added to the SFAs current fundraiser request form.

Club/organization/ or group _____

Dates of fundraiser _____

Type of fundraiser _____

As part of the fundraiser, will food be sold for consumption on campus during the school day: Yes or No

If no, the answer is no, you do not have to get approval for the fundraiser.

If yes, do the foods sold comply with the USDA federal guidelines?

If yes, there is no requirement to regulate the fundraiser.

If no, how often will this fundraiser be conducted during the each school semester? _____

If an organization is conducting a fundraiser and selling food and beverage that does not comply with the Smart Snack rule, that organization is limited to one sale a semester.

If you have a special circumstance where an organization conducts a fundraiser more than once a semester and that fundraiser does not comply with the Smart Snack Rule, contact ARDHS SNP for approval.

