



**Division of Child Care and Early  
Childhood Education  
Health and Nutrition**

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## MEMO

April 30, 2014

Subject: Fundraisers

In accordance with USDA memo SP 36-2014, 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”. This interim final rule, also known as the “Smart Snacks” rule, was published on June 28, 2013 and **is effective on July 1, 2014**. As USDA continues to move forward with implementation of Smart Snacks, State agencies are reminded to advise their respective schools that these standards will take effect this coming school year. **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.

In an effort to establish an acceptable frequency of exempted fundraisers, HNP is requesting all SFAs conducting fundraisers to complete and submit the attached survey by May 2, 2014. SFAs who have submitted the survey do not need to resubmit.

# Fundraiser Survey

LEA Name: \_\_\_\_\_

Agreement #: \_\_\_\_\_

Fundraiser	Organization conducting fundraiser	Reason for fundraiser	Date/s of fundraiser	Conducted during school hours Y or N	Item/s sold

Completed by: \_\_\_\_\_

Contact #: \_\_\_\_\_

You may fax to 501-682-2334 or email to [shelia.bailey@dhs.arkansas.gov](mailto:shelia.bailey@dhs.arkansas.gov)