

Fundraising with Food and Beverages

Requirements for Complying with Sections 10-215f and 10-221q of the Connecticut General Statutes

This handout summarizes the requirements for school food and beverage fundraisers under sections 10-215f and 10-221q of the Connecticut General Statutes (CGS), effective July 1, 2006. Additional guidance regarding the requirements and implementation of Connecticut's statutes regarding school food and beverages can be found on the Connecticut State Department of Education (CSDE) Web site (School Foods and Beverages page) at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322416>.

Fundraising with Beverages

The sale of beverages to students in public schools is addressed by CGS Section 10-221q. Only five categories of beverages can be sold to students *at all times and from all sources*, including fundraisers. These categories are:

1. **Milk (flavored or plain)** with no more than 4 grams of sugar per fluid ounce and no artificial sweeteners.
2. **Nondairy milks such as soy or rice milk**, which may be flavored but contain no artificial sweeteners, no more than 4 grams of sugar per fluid ounce, no more than 35 percent of calories from fat and no more than 10 percent of calories from saturated fat.
3. **100 percent fruit juice, vegetable juice or combination of such juices**, containing no added sugars, sweeteners (including nonnutritive sweeteners) or artificial sweeteners.
4. **Beverages that contain only water and fruit or vegetable juice** and have no added sugars, sweeteners (including nonnutritive sweeteners) or artificial sweeteners. These beverages must also meet the requirements specified in *Requirements for Beverages Containing Water and Juice* at http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Water_Juice_Beverages.pdf.
5. **Water**, which may be flavored but contains no added sugars, sweeteners (including nonnutritive sweeteners), artificial sweeteners or caffeine.

Portion sizes of allowable beverages are limited to no more than 12 fluid ounces, with the exception of water.

Beverage Exemptions: Beverages that are not specified above can be sold to students on school premises only if the local board of education or school governing authority votes to allow exemptions and the following three conditions are met: 1) the sale is in connection with an *event occurring after the end of the regular school day or on the weekend*; 2) the sale is at the *location of the event*; and 3) the beverages are *not sold from a vending machine or school store*. The vote to allow exemptions must occur *before* any beverage fundraisers can be sold to students during any events on school premises that meet the three exemption conditions.

Examples of beverages that require an exemption to be allowed for sale to students during events on school premises include soda (regular and diet), sports drinks, coffee (decaffeinated, herbal and iced), tea (decaffeinated, herbal and iced), hot cocoa, lemonade, drinks that are not 100 percent juice, vitamin waters, waters with added sugars, artificial sweeteners or nonnutritive sweeteners, and any other beverages that are not specified as allowable beverages by state statute. For additional information, see *Allowable Beverages in Connecticut Schools* at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322418>.

An **event** is an occurrence that involves more than just a regularly scheduled practice, meeting or extracurricular activity. For example, soccer games, school plays and interscholastic debates are events but soccer practices, play rehearsals and debate team meetings are not.

The **regular school day** is the period that begins with the arrival of the first child at school and ends after the last instructional period.

Fundraising with Food

All public school districts that participate in the National School Lunch Program are eligible to implement healthy food certification under CGS Section 10-215f and receive additional funding. The decision of whether the district will certify for the healthy food option is determined by each local board of education. If the district implements healthy food certification, *all food items offered for sale to students separately from a reimbursable breakfast or lunch at all times and from all sources* must meet the Connecticut Nutrition Standards. This includes all fundraising activities on school premises, regardless of whether the fundraising activity is sponsored by the school or an outside group. (For more information on the Connecticut Nutrition Standards, see <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322422>.)

Food Exemptions: The requirements and procedures for food exemptions are the same as for beverage exemptions. If a district implements healthy food certification, food fundraisers that do not meet the Connecticut Nutrition Standards can be sold to students on school premises only if the local board of education or school governing authority votes to allow exemptions and the following three exemption conditions are met: 1) the sale is in connection with an *event occurring after the end of the regular school day or on the weekend*; 2) the sale is at the *location of the event*; and 3) the food items are *not sold from a vending machine or school store*. The vote to allow exemptions must occur *before* any food fundraisers can be sold to students during any events on school premises that meet the three exemption conditions.

Fundraising with Food and Beverages, Continued

Sales to Adults: Healthy food certification applies only to the sale of food to students on school premises. Food items that do not meet the Connecticut Nutrition Standards can be sold to school staff members, parents and other adults either on or off school premises at any time. However, students cannot deliver money to school for the food item *and* pick up the food item at school (see “Fliers or Catalogs for Food Fundraisers” below). *Note: Any food or beverages sold in adult education programs under the board of education’s jurisdiction must comply with the Connecticut Nutrition Standards and the state beverage statute, if they are under the control of the adult education program.*

Bake Sales: If a district implements healthy food certification, a bake sale can be held on school premises if the board votes to allow food exemptions and the bake sale is *connected to and held at the location of an event that occurs after the end of the regular school day or on the weekend*, e.g., the bake sale is held at a weekend football game or an evening school concert. A bake sale cannot be held during the school day on school premises unless all food items meet the Connecticut Nutrition Standards and the selling time frame complies with state competitive foods regulation (see “Competitive Foods Regulation” below). Bake sales can be held off school premises at any time.

Candy Sales: If a district implements healthy food certification, candy and sugarless candy (including mints and gum) cannot be sold to students on school premises at any time, unless the board of education votes to allow food exemptions and they are sold at an event that meets the three exemption conditions (see “Food Exemptions” on previous page). Regardless of whether the district implements healthy food certification, the state competitive foods regulation regarding candy still applies. Section 10-215b-1 of the Regulations of Connecticut State Agencies prohibits schools from selling or dispensing candy to students anywhere on school premises from 30 minutes before the start of any state or federally subsidized milk or meal program (National School Lunch Program, School Breakfast Program, After-School Snack Program and Special Milk Program) until 30 minutes after the end of the program (see “Competitive Foods Regulation” below).

Sales of Food Tickets: Selling fundraisers of coupons, tickets, gift cards, tokens or similar items that are redeemable for food is the same as selling food to students. The dictionary defines “sale” as “the exchange of property or services for a determined amount of *money or its equivalent*.” If a district implements healthy food certification, all food items sold to students must either meet the Connecticut Nutrition Standards or be exempted by the board of education and sold at an event that meets the three exemption conditions (see “Food Exemptions” on previous page).

Fliers or Catalogs for Food Fundraisers: Students can take home fundraising fliers and catalogs and sell food items such as cakes, pies, candy and cookie dough to anyone off school premises. However, if the student is involved in delivering money to school for the food item *and* picking up the food item at school, the fundraiser is selling food to students on school premises and is not allowed. For the fundraiser to comply with healthy food certification under CGS 10-215f, it must be structured so that parents or other adults pick up the food item instead of students. This must be clearly indicated on the fundraising flier and any written communication regarding the fundraiser.

Other Options for Fundraisers: Food items meeting the Connecticut Nutrition Standards can be sold to students without meeting the three exemption conditions if the fundraiser complies with the state competitive foods regulation (see “Competitive Foods Regulation” below). There are many snacks meeting the Connecticut Nutrition Standards that are appealing to students and can be used for fundraisers. A list of brand-specific products (*List of Acceptable Food and Beverages*) is available at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322432>. The CSDE handout, *Healthy Fundraising*, provides suggestions for fundraising with healthy food items and nonfood items and activities (http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Healthy_Fundraising.PDF).

Competitive Foods Regulation: Regardless of whether the district implements healthy food certification, Connecticut’s competitive foods regulation still applies to the sale of all food items, including those that meet the Connecticut Nutrition Standards. Section 10-215b-23 of the Regulations of Connecticut State Agencies specifies that the income from the sale to students of any food items sold anywhere on school premises from 30 minutes before the start of any state or federally subsidized milk or meal program (National School Lunch Program, School Breakfast Program, After-School Snack Program and Special Milk Program) until 30 minutes after the end of the program must accrue to the food service account. (For additional information, see http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/CT_Compulsive_Food_Regulations.pdf).

State Statute Requiring the Sale of Healthy Food Choices: Regardless of whether the district implements healthy food certification, CGS Section 10-221p requires that at all times when food is available for purchase by students during the regular school day, nutritious and low-fat foods (such as low-fat dairy products and fresh or dried fruit) must also be available for sale at the same time. These foods must be available for sale either at the location of the fundraiser or elsewhere in the school. Additional guidance can be found in *Question and Answers on Connecticut Statutes for School Food and Beverages* at http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/HF_Q&A.pdf.

For additional information, visit the CSDE Nutrition Education Web page at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320754> or contact: Susan S. Fiore, MS, RD, Nutrition Education Coordinator, Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 25 Industrial Park Road, Middletown, CT 06457, 860-807-2075, susan.fiore@ct.gov.