

# Fundraising with Foods 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). Additional guidance regarding the requirements and implementation of Connecticut's statutes regarding school foods and beverages can be found on the Connecticut State Department of Education's (CSDE) School Foods and Beverages Web 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](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 more information, see *Allowable Beverages in Connecticut Schools* on the CSDE Beverage Requirements Web page 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

Under CGS section 10-215f for healthy food certification (HFC), all public school districts that participate in the National School Lunch Program must certify to the CSDE whether they will follow the Connecticut Nutrition Standards for all foods sold to students separately from reimbursable school meals. If the district implements HFC, the Connecticut Nutrition Standards apply to all food items sold to students separately from a reimbursable breakfast or lunch at all times and from all sources, including all fundraising activities on school premises, regardless of whether they are 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 for food exemptions are the same as beverage exemptions. If a district implements HFC, 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 foods are *not sold from a vending machine or school store*. The vote to allow food exemptions is part of the annual Healthy Food Certification Statement that is submitted to the CSDE.

**Sales to Adults:** HFC applies only to the sale of foods to students on school premises. Foods 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 items and pick up the food items at school (see "Fliers or Catalogs for Food Fundraisers" on the next page). Note: Foods 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 (see *Requirements for Selling Foods and Beverages in Adult Education Programs* at [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Letter\\_1031.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Letter_1031.pdf)).

## Fundraising with Foods and Beverages, Continued

**Bake Sales:** If a district implements HFC, 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 foods meet the Connecticut Nutrition Standards and the selling time frame complies with the 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 HFC, candy and sugarless candy (including mints, breath 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 the foods are sold at an event that meets the three exemption conditions (see “Food Exemptions” on previous page). If a district does not implement HFC, 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.

**Sales of Food Coupons, Gift Cards and Similar Items:** Selling fundraisers of coupons, tickets, gift cards, entertainment books, tokens or similar items that are redeemable for food is the same as selling food to students. This includes coupons or cards that are redeemable at businesses selling food, e.g., restaurants, convenience stores, fast food chains and local dining establishments. The dictionary defines “sale” as “the exchange of property or services for a determined amount of *money or its equivalent*.” If a district implements HFC, fundraisers of gift cards or similar items must meet one of the following three conditions: 1) all foods that can be purchased with the coupons or similar items meet the Connecticut Nutrition Standards; 2) the board of education allows food exemptions and the coupons or similar items are sold at an event that meets the three exemption conditions (see “Food Exemptions” on previous page); or 3) students bring in the orders and money to school but a parent or other adult picks up the coupons or similar items for delivery to customers (see “Fliers or Catalogs for Food Fundraisers” below).

**Fliers or Catalogs for Food Fundraisers:** Students can take home fundraising fliers and catalogs and sell foods 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 items and picking up the food items at school, the fundraiser is selling food to students on school premises and is not allowed. For the fundraiser to comply with HFC under CGS section 10-215f, students can bring the orders and money to school but parents or other adults must pick up the food items instead of students. This must be clearly indicated on the fundraising flier and any written communication regarding the fundraiser.

**Other Options for Fundraisers:** Foods 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. The CSDE *List of Acceptable Foods and Beverages* includes brand-specific products (<http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322432>). *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](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Healthy_Fundraising.PDF)).

**Competitive Foods Regulation:** Connecticut’s competitive foods regulation applies to the sale of all foods and beverages, including those that meet the Connecticut Nutrition Standards and the state beverage statute. Section 10-215b-23 of the Regulations of Connecticut State Agencies specifies that the income from the sale to students of any foods or beverages 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 more information, see *Competitive Foods in Schools* at [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/CT\\_Competitive\\_Food\\_Regulations.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/CT_Competitive_Food_Regulations.pdf).

**State Statute Requiring the Sale of Healthy Food Choices:** 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. For more information, see *Question and Answers on Connecticut Statutes for School Foods and Beverages* at [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/HF\\_Q&A.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/HF_Q&A.pdf).

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies apply to all public schools that participate in the USDA Child Nutrition Programs regardless of whether they implement HFC. CGS section 10-221p applies to all public schools, regardless of whether they participate in the USDA Child Nutrition Programs or HFC.



For more information, visit the CSDE School Foods and Beverages Web page at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322416> 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](mailto:susan.fiore@ct.gov).

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