

Federal and State Laws for Foods and Beverages in Connecticut Schools

Many Connecticut school districts have developed policies and nutrition standards regarding foods and beverages allowed for sale or free distribution to students at school. These requirements are in response to federal and state laws including:

- federal school wellness policy legislation (Public Law 108-265), which applies to all public, private and residential child care institutions participating in the U.S. Department of Agriculture (USDA) Child Nutrition Programs (http://www.fns.usda.gov/cnd/Governance/Legislation/Historical/PL_108-265.pdf);
- state legislation (Connecticut General Statutes), which applies to all public school districts in Connecticut including regional educational service centers, the Connecticut Technical High School System, charter schools, interdistrict magnet schools and endowed academies (see *State Statutes and Regulations on School Foods and Beverages* at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322416>); and
- state competitive foods regulations, which apply to all schools participating in the USDA Child Nutrition Programs.

These requirements are summarized below.

■ Federal School Wellness Policy (Public Law 108-265)

The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) requires that public school districts participating in the USDA Child Nutrition Programs (e.g., National School Lunch Program, School Breakfast Program, After-School Snack Program and Special Milk Program) establish a local wellness policy by the first day of the 2006-07 school year. The majority of Connecticut's public schools are affected by this legislation, because 88 percent participate in the USDA Child Nutrition Programs. The federal law also applies to private schools and residential child care institutions that participate in the USDA Child Nutrition Programs. At a minimum, the local wellness policy must:

- include goals for nutrition education, physical activity and other school-based activities designed to promote student wellness in a manner that the local educational agency determines appropriate;
- include **nutrition guidelines for all foods available on the school campus during the school day**, with the objectives of promoting student health and reducing childhood obesity;
- provide an assurance that guidelines for school meals are not less restrictive than those set by the Secretary of Agriculture;
- establish a plan for measuring implementation of the local wellness policy, including the designation of one or more persons within the local education agency or at each school, as appropriate, charged with ensuring that the school meets the local wellness policy; and
- involve parents, students, representatives of the school food authority, the school board, school administrators, and the public in development of the local wellness policy.

These are the minimum requirements established by the federal legislation. School districts may choose to include additional features or integrate student wellness with other ongoing programs, such as coordinated school health initiatives and community-based programs. While each district's school wellness policy must address the five areas above as specified by the federal law, the **actual content of each area is determined by the local school district.**

The federal requirement for nutrition guidelines for all foods available during the school day addresses both food that is sold and food that is given to students at no cost. In addition to addressing standards for the sale of foods to students (e.g., vending machines and healthy fundraising alternatives), many districts have therefore chosen to also address foods given to students, such as foods allowed at classroom celebrations and food rewards. Each district's local school wellness policy has its own specific requirements regarding what can be sold or given to students at school. Check with the school district's administration regarding any local requirements for school foods and beverages.

For more information, see *School Wellness Policy Requirements* at http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Nutrition/NSLP/School_Wellness.pdf, the Connecticut State Department of Education's (CSDE) *Action Guide for School Nutrition and Physical Activity Policies* at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&q=322436> and the CSDE School Wellness Policy Web page at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&q=322438>.

■ State Laws for Foods and Beverages in Schools (Connecticut General Statutes)

The Connecticut General Statutes (CGS) specify the types of foods and beverages allowed for *sale* to students but they do not address foods and beverages that are distributed to students at no cost, e.g., classroom parties, food rewards and school meetings. State statutes address three areas regarding foods and beverages sold to students in public schools: 1) requirements for allowable beverages (CGS section 10-221q); 2) healthy food certification (CGS section 10-215f); and 3) requirement to sell healthy food choices when any food is sold (CGS section 10-221p). These three areas are summarized on the next page.

Requirements for Beverages: All public school districts in Connecticut must comply with the state statute regarding beverage sales to students on school premises. CGS section 10-221q specifies that only the following five categories of beverages can be sold to students in public schools *at all times and from all sources*.

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.

CGS section 10-221q applies to all public schools, regardless of whether they participate in the USDA Child Nutrition Programs or healthy food certification.

Portion sizes of allowable beverages are limited to no more than 12 fluid ounces with the exception of water. For more information, see *Allowable Beverages in Connecticut Schools* and *Questions and Answers on Connecticut Statutes for School Foods and Beverages* on the CSDE Beverage Requirements Web page at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322418>.

Healthy Food Certification: CGS section 10-215f requires that all public school districts participating in the National School Lunch Program must certify annually to the CSDE whether they will follow the Connecticut Nutrition Standards for all foods sold to students separately from reimbursable meals. The Connecticut Nutrition Standards apply to foods offered for sale to students *at all times, in all schools and from all sources* including school stores, vending machines, school cafeterias, fundraising activities on school premises and any other sources of food sales to students. Districts that opt to follow the Connecticut Nutrition Standards receive 10 cents per lunch, based on the total number of reimbursable lunches (paid, free and reduced) served in the district in the prior school year. For more information, see the CSDE Healthy Food Certification Web page at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322420>.

Connecticut Nutrition Standards

The Connecticut Nutrition Standards address all foods sold to students separately from a reimbursable school breakfast or lunch. They focus on limiting fat, saturated fats, trans fats, sodium and sugars, moderating portion sizes, and promoting increased consumption of nutrient-rich foods, such as fresh fruits, vegetables, whole grains, low-fat dairy, lean meats and legumes. For more information, see the CSDE Connecticut Nutrition Standards Web page at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322422>.

Requirement to Sell Healthy Food Choices When Any Food is Sold: CGS section 10-221p specifies that at all times when food is available for purchase by students during the regular school day, nutritious and low-fat foods must also be available for sale. These foods include, but are not limited to, low-fat dairy products and fresh or dried fruit. They must be sold either at the actual location of the food sales or elsewhere in the school at the same time. For more information, see *Questions 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.

CGS section 10-221p applies to all public schools, regardless of whether they participate in the USDA Child Nutrition Programs or healthy food certification.

■ State Competitive Foods Regulations

Section 10-215b-1 of the Regulations of Connecticut State Agencies prohibits schools from selling or dispensing candy (including breath mints and sugarless 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. Section 10-215b-23 specifies that the income from the sale of any foods or beverages sold or distributed anywhere on school premises during this same time frame 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/nutrition/nslp/CompetitiveFoods.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 healthy food certification.



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.