

Food and Beverage Requirements for Fundraisers

PRIVATE SCHOOLS AND RESIDENTIAL CHILD CARE INSTITUTIONS

This document summarizes the requirements for food and beverage fundraisers in private schools and residential child care institutions (RCCIs) that participate in the U.S. Department of Agriculture (USDA) school nutrition programs, e.g., National School Lunch Program (NSLP), School Breakfast Program (SBP) and Afterschool Snack Program. All food and beverage fundraisers held in private schools and RCCIs must comply with the USDA [Smart Snacks](#) nutrition standards and Sections 10-215b-1 and 10-215b-23 of the [Regulations of Connecticut State Agencies](#).

- “**Fundraisers**” are any activities during which money or its equivalent (such as tickets, coupons, tokens and similar items) is exchanged for the purchase of a product in support of the school or school-related activities. This includes any activities that suggest a student donation in exchange for foods and beverages, since funds may be raised as a result.
- “**School campus**” includes all areas of the property under the jurisdiction of the school that are accessible to students during the school day.
- The “**school day**” is the period from midnight before to 30 minutes after the end of the official school day.



The federal and state laws apply to all fundraising activities conducted on school premises by school-related organizations (such as student clubs, sports teams and music programs) and outside organizations not affiliated with the school, such as scouting programs and other youth-based community organizations. The information below summarizes when the Smart Snacks standards apply to food and beverage fundraisers in private schools and RCCIs. For information on the Smart Snacks nutrition standards, see the Connecticut State Department of Education’s (CSDE) handout, [Summary of Smart Snacks Nutrition Standards](#), and the [Smart Snacks](#) Web page.

SMART SNACKS FUNDRAISER REQUIREMENTS

All foods and beverages sold as fundraisers to students during the school day must comply with the USDA Smart Snacks nutrition standards, including fundraisers using commercial products such as potato chips, candy bars and cookies, and fundraisers using foods made from scratch such as baked goods, popcorn and sandwiches. Foods and beverages that do not comply with Smart Snacks can only be sold **after** the school day. For example, if the school day ends at 3:00 p.m., fundraisers selling noncompliant foods can be held anytime from 3:31 p.m. through 11:59 p.m.

- ▶ **Sales to Adults:** Smart Snacks does not apply to foods and beverages sold as fundraisers to non-students, such as school staff, parents and other adults. Schools can sell any foods and beverages to adults at any time, either on or off school campus.
- ▶ **Candy and Gum Sales:** Smart Snacks does not allow sales of regular and sugar-free candy (including mints and breath mints) and regular gum to students on school campus during the school day. Sugar-free chewing gum is exempt from the Smart Snacks standards and can be sold on school campus during the school day if the sales comply with the state competitive foods



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regulations (see “State Competitive Foods Regulations”).

- ▶ **Bake Sales:** Most foods sold at bake sales will not comply with Smart Snacks. Bake sales can only be held on school campus during the school day if all baked goods comply with Smart Snacks and the selling time frame complies with the state competitive foods regulation (see “State Competitive Foods Regulation”). Bake sales can be held off school campus at any time (see “Fundraisers Outside of School”).



- ▶ **Fundraiser Catalogs and Orders:** Smart Snacks does not apply to foods and beverages sold off school campus through fundraising catalogs, fliers and similar promotions or to foods intended for consumption at home, e.g., precooked foods such as frozen cookie dough, frozen pies and frozen pizza or bulk foods (multiple servings per package) such as boxes of candy bars and Girl Scout cookies. Foods and beverages purchased through a fundraiser may be delivered on school campus during the school day if the foods and beverages being sold meet Smart Snacks or are not intended to be consumed on campus during school hours. However, the USDA encourages organizations to deliver foods and beverages at a time when parents and caregivers are more likely to be present to collect them, for example, during specific drop-off or pick-up times.
- ▶ **Nonfood Fundraisers:** Nonfood items can be sold as fundraisers on school campus at any time. The CSDE strongly encourages schools to promote consistent health messages to students by conducting nonfood fundraisers. The CSDE’s handout, *Healthy Fundraising*, provides suggestions for fundraising with nonfood items and activities.
- ▶ **Fundraisers Outside of School:** Smart Snacks does not apply to fundraising activities that take place outside of the school day or off school campus, such as bake sales held at a supermarket or candy bar sales held at a town community center.
- ▶ **Compliant Foods and Beverages:** Foods and beverages that comply with Smart Snacks can be sold as fundraisers on school campus during the school day if the sales comply with the state competitive foods regulations (see “State Competitive Foods Regulation”).

The CSDE’s *Guide to Competitive Foods in Schools* provides detailed information on how the state and federal requirements apply to specific categories of foods and beverages. The CSDE’s *List of Acceptable Foods and Beverages* identifies foods and beverages that comply with all state and federal requirements.



OTHER STATE REQUIREMENTS

In addition to complying with the Smart Snacks nutrition standards, competitive foods sold in private schools and RCCIs must comply with the state competitive foods regulations. These regulations apply to all USDA school nutrition programs, e.g., NSLP, SBP, Afterschool Snack Program and Special Milk Program. Section 10-215b-1 addresses restrictions for sales of **candy, coffee, tea and soft drinks** to students. Section 10-215b-23 addresses the **accrual of income** from food and beverage sales to students.

Some stricter provisions of Smart Snacks supersede the state competitive foods regulations. The requirements below summarize the stricter provisions of the state and federal regulations governing the sales of candy, coffee, tea and soft drinks, and the accrual of income from food and beverage sales in private schools and RCCIs.

Coffee, Tea and Soft Drinks (Section 10-215b-1)

Section 10-215b-1 of state regulations prohibits sales of coffee, tea and soft drinks to students anywhere on school premises from **30 minutes before up through 30 minutes after** any USDA school nutrition programs.

- For **elementary and middle school students**, Smart Snacks supersedes this time period because the federal beverage standards apply during the entire **school day** (the period from midnight before to 30 minutes after the end of the official school day). Beverages that do not comply with Smart Snacks can only be sold to elementary and middle school students **outside** of the school day. For example, if the school day ends at 3:00 p.m., soda can be sold from 3:31 p.m. through 11:59 p.m.
- For **high school students**, Smart Snacks allows sales of coffee, tea and soft drinks if they meet the criteria for the category of “other flavored and/or carbonated beverages” and the portion size does not exceed 12 fluid ounces. Beverages must be evaluated **as served** including any **added accompaniments**, e.g., coffee with milk and sugar or tea with milk and honey. However, Section 10-215b-1 of state regulations supersedes the Smart Snacks standards for high school students by prohibiting sales of coffee, tea and soft drinks from **30 minutes before up through 30 minutes after** any USDA school nutrition programs. For example, if the lunch period is from 11:30 a.m. through 1:00 p.m., coffee, tea and soft drinks that comply with Smart Snacks cannot be sold to high school students from 11:00 a.m. through 1:30 p.m.

“Coffee” and “tea” include all types, e.g., regular, decaffeinated, herbal and iced. “Soft drinks” include all beverages (with or without carbonation) that contain water and/or juice and added sweeteners (including nutritive sweeteners and artificial or natural nonnutritive sweeteners), and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples of soft drinks include soda (regular and diet), sports drinks (regular, low-calorie and zero calorie), hot chocolate (regular, low-calorie and sugar-free), and sweetened beverages (with or without carbonation) that are not 100 percent juice such as lemonade and fruit punch drinks made with 10 percent juice. Soft drinks do not include any beverages that meet Smart Snacks such as 100 percent fruit or vegetable juice, plain water (with or without carbonation) and beverages containing 100 percent juice diluted with water.



Candy (Section 10-215b-1)

Section 10-215b-1 of state regulations prohibits the sale or dispensing of candy to students anywhere on school premises from **30 minutes before up through 30 minutes after** any USDA school nutrition programs. The Smart Snacks nutrition standards supersede this time frame because they apply during the entire **school day** (the period from midnight before to 30 minutes after the end of the official school day). Candy can only be sold to students in private schools and RCCIs **after** the school day. For example, if the school day ends at 3:00 p.m., candy can be sold from 3:31 p.m. through 11:59 p.m.

“Candy” includes all types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, hard candies, jelly candies (e.g., gumdrops and gummies) and breath mints.



Accrual of Income (Section 10-215b-23)

Section 10-215b-23 of state regulations requires that the income from any foods or beverages sold to students anywhere on school premises during the period of **30 minutes before up through 30 minutes after** any USDA school nutrition programs must accrue to the nonprofit **food service account**. For example, if the lunch period is from 11:30 a.m. through 1:00 p.m., the school food service program must receive the income from any foods and beverages sold on school premises from 11:00 a.m. through 1:30 p.m. This includes foods and beverages that comply with Smart Snacks. For more information, see the CSDE’s handout, [Connecticut Competitive Foods Regulations](#).



FEDERAL SCHOOL WELLNESS POLICY REQUIREMENTS

Schools and institutions may have additional local requirements governing fundraisers as part of their local school wellness policy. The Child Nutrition and WIC Reauthorization Act of 2004 ([Public Law 108-265](#)) and the [Healthy, Hunger-Free Kids Act of 2010](#) require that all schools and institutions participating in the USDA school nutrition programs must establish a school wellness policy. Among other criteria, the policy must include “*nutrition guidelines for all foods available at school during the school day,*” with the objectives of promoting student health and reducing childhood obesity. For more information, see the CSDE’s [Action Guide for School Nutrition and Physical Activity Policies](#) and [School Wellness Policy](#) Web page, and the USDA’s [School Wellness Policy](#) Web Page.

RESOURCES

Fundraisers and Smart Snacks: Foods Not Intended for Consumption at School:
www.fns.usda.gov/sites/default/files/cn/fundraisersfactsheet.pdf

Connecticut Competitive Foods Regulations:
www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/ctcfreg.pdf

Guide to Competitive Foods in Schools:
www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/cfg.pdf

Healthy Fundraising:
www.sde.ct.gov/sde/lib/sde/pdf/nutrition/cf/healthyfund.pdf

Implementation of Smart Snacks in School: State Agency Fundraiser Elections and Exemptions
(CSDE Operational Memorandum 11-15):
www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/opmemos/15/om_11-15.pdf

List of Acceptable Foods and Beverages (CSDE Web Page):
www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322432

National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School:
www.gpo.gov/fdsys/pkg/fr-2013-06-28/pdf/2013-15249.pdf

Questions and Answers on Smart Snacks:
www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/smartsnacksqa.pdf

Smart Snacks (CSDE Web Page):
www.sde.ct.gov/sde/cwp/view.asp?a=2626&pm=1&Q=335400

Smart Snacks Nutrition Standards and Exempt Fundraisers (CSDE Operational Memorandum 30-14):
www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/opmemos/14/om_30-14.pdf

Summary of Smart Snacks Nutrition Standards:
www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/smartsnacks.pdf

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For more information, visit the CSDE's [Competitive Foods](#) and [Beverage Requirements](#) Web pages or contact the [school nutrition programs](#) staff in the CSDE Bureau of Health/Nutrition, Family Services and Adult Education, 25 Industrial Park Road, Middletown, CT 06457.

This handout is available at www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cj/fundpr.pdf.

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Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;*
- (2) fax: (202) 690-7442; or*
- (3) email: program.intake@usda.gov.*

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