

Food and Beverage Requirements for Fundraisers

PUBLIC SCHOOLS NOT CHOOSING HEALTHY FOOD CERTIFICATION

This document summarizes the state and federal requirements for food and beverage fundraisers in public schools that choose **not** to implement the healthy food option of Healthy Food Certification (HFC) under [Section 10-215f](#) of the Connecticut General Statutes (C.G.S.), and therefore do not follow the Connecticut Nutrition Standards (CNS). The requirements for **food** fundraisers in non-HFC public schools are governed by the U.S. Department of Agriculture (USDA) Smart Snacks nutrition standards, Connecticut General Statutes (C.G.S.) and state competitive foods regulations. The requirements for **beverage** fundraisers are governed by Smart Snacks, C.G.S. [Section 10-221q](#) and state competitive foods regulations.

- “**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.

FOOD FUNDRAISERS

All foods sold as fundraisers to students during the school day in non-HFC public schools 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 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. 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.

BEVERAGE FUNDRAISERS

All beverage fundraisers must comply with the Smart Snacks beverage standards and the stricter provisions of the state beverage statute (C.G.S. Section 10-221q). The Smart Snacks standards apply only during the **school day**. The state beverage statute applies at **all times**, regardless of whether public schools participate in the USDA school nutrition programs. Beverages that do not comply with C.G.S. Section 10-221q can only be sold to students on school premises if the local board of education or school governing authority votes to allow exemptions, and the beverages are sold at the location of an event that occurs after the school day or on the weekend, provided they are not sold from a vending machine or school store. 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. For information on the beverage requirements, see the CSDE's handout, *Allowable Beverages in Connecticut Public Schools*, and [Beverage Requirements](#) Web page.

STATE AND FEDERAL FUNDRAISER REQUIREMENTS

The information below summarizes when the Smart Snacks standards and state beverage statute apply to food and beverage fundraisers in non-HFC public schools.

- ▶ **Sales to Adults:** Smart Snacks and the state beverage statute do not apply to foods and beverages sold to non-students, such as school staff, parents and other adults. Schools can sell foods and beverages to adults at any time, either on or off school campus.
- ▶ **Candy and Gum Sales:** Regular and sugar-free candy (including mints and breath mints) and regular gum cannot be sold to students on school campus during the school day. Sugar-free chewing gum is exempt from Smart Snacks and can be sold on school campus during the school day if the sales comply with the state competitive foods regulations and C.G.S. Section 10-221p (see “State Competitive Foods Regulations” and “Requirement to Sell Nutritious Low-fat Foods”).
- ▶ **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 food items 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 purchased through a fundraiser may be delivered on school campus during the school day if the foods 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 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.

The state beverage statute applies to all beverage sales on school premises regardless of when the beverages will be distributed or consumed, e.g., boxes of tea bags, hot chocolate packets and gourmet coffee. If students deliver fundraiser orders and money to school and pick up the beverages at school, the fundraiser is selling beverages to students on school premises and must comply with the state beverage statute. Parents or other adults must pick up the beverages unless the pick-up location is off school premises or the board of education allows exemptions and the pick-up is during an event that occurs after the school day or on the weekend. The district's pick-up policy for beverages must be clearly indicated on the school's fundraising flier and any written communication regarding the fundraiser.

- ▶ **Nonfood Fundraisers:** Nonfood items can be sold as fundraisers 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 and the state beverage statute do not apply to fundraising activities that take place off school campus, such as bake sales held at a supermarket or candy bar sales held at a town community center. However, the state beverage requirements apply if students sell beverages off school premises, deliver fundraiser orders and money to school, and pick up the beverages at school (see “Fundraiser Catalogs and Orders”).
- ▶ **Compliant Foods and Beverages:** Foods that comply with Smart Snacks and beverages that comply with Smart Snacks and the state beverage statute can be sold as fundraisers on school campus during the school day if the sales comply with the state competitive foods regulations and C.G.S. Section 10-221p (see “State Competitive Foods Regulations” and “Requirement to Sell Nutritious Low-fat Foods”).

OTHER STATE REQUIREMENTS

In addition to meeting the state and federal nutrition standards for foods and beverages, all fundraisers held in public schools must comply with the state competitive foods regulations (Section 10-215b-23 of the Regulations of Connecticut State Agencies) and the state statute requiring healthy food choices (C.G.S. Section 10-221p). These requirements are summarized below.

State Competitive Foods Regulations (Section 10-215b-23)

The state regulations apply to all USDA school nutrition programs, e.g., National School Lunch Program, School Breakfast Program, Afterschool Snack Program and Special Milk Program. Section 10-215b-23 requires that the income from any foods and beverages sold to students anywhere on school premises from **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 fundraisers held on school premises from 11:00 a.m. through 1:30 p.m. This includes fundraisers that comply with Smart Snacks and the state beverage statute. For more information, see the CSDE’s handout, *Connecticut Competitive Foods Regulations*.



Requirement to Sell Nutritious Low-fat Foods (C.G.S. Section 10-221p)

C.G.S. Section 10-221p applies to all public schools regardless of whether they participate in the USDA school nutrition programs. This statute requires that whenever foods are available for purchase by students during the regular school day, nutritious and low-fat foods must also be available for sale at the same time, either at the location of the food sales or elsewhere in the school.



“Nutritious and low-fat foods” include low-fat dairy products and fresh or dried fruit. Examples of low-fat dairy products include low-fat or nonfat yogurt, cheese and cottage cheese. Low-fat milk is a beverage and cannot be used to meet the statutory requirement for low-fat foods. Schools may

FUNDRAISERS IN NON-HFC PUBLIC SCHOOLS, continued

choose to sell other nutrient-dense foods in addition to the minimum requirements, such as vegetables, whole grains, nuts and seeds, and lean protein sources. For more information, see the CSDE's handout, *Questions and Answers on Connecticut Statutes for School Foods and Beverages*.

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.

FEDERAL SCHOOL WELLNESS POLICY REQUIREMENTS

Public schools may have additional local requirements governing food and beverage sales 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 school wellness policies for all schools and institutions that participate in the USDA school nutrition programs. 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 on school wellness policies, 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

Allowable Beverages in Connecticut Public Schools:

www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/allowbev.pdf

Beverage Requirements (CSDE Web Page):

www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322418

Beverage Requirements for Connecticut Public Schools PowerPoint:

www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/beverages.pdf

Competitive Foods (CSDE Web Page):

www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=333772

Connecticut Competitive Foods Regulations:

www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/ctcfreg.pdf

Fundraisers and Smart Snacks: Foods Not Intended for Consumption at School:

www.fns.usda.gov/sites/default/files/cn/fundraisersfactsheet.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

Smart Snacks (CSDE Web Page):

www.sde.ct.gov/sde/cwp/view.asp?a=2626&pm=1&Q=335400

Summary of Smart Snacks Nutrition Standards:

www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/smartsnacks.pdf

FUNDRAISERS IN NON-HFC PUBLIC SCHOOLS, continued



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/cf/fundnonhfc.pdf.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
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.*

This institution is an equal opportunity provider.

The Connecticut State Department of Education is committed to a policy of equal opportunity/affirmative action for all qualified persons. The Connecticut State Department of Education does not discriminate in any employment practice, education program, or educational activity on the basis of race, color, religious creed, sex, age, national origin, ancestry, marital status, sexual orientation, gender identity or expression, disability (including, but not limited to, intellectual disability, past or present history of mental disorder, physical disability or learning disability), genetic information, or any other basis prohibited by Connecticut state and/or federal nondiscrimination laws. The Connecticut State Department of Education does not unlawfully discriminate in employment and licensing against qualified persons with a prior criminal conviction. Inquiries regarding the Department of Education's nondiscrimination policies should be directed to: Levy Gillespie, Equal Employment Opportunity Director/Americans with Disabilities Act Coordinator, Connecticut State Department of Education, 25 Industrial Park Road, Middletown, CT 06457, 860-807-2071, Levy.Gillespie@ct.gov.