

Exemptions for Foods and Beverages in Public Schools

This document summarizes the requirements for allowing food exemptions under Healthy Food Certification (HFC), mandated by [Section 10-215f](#) of the Connecticut General Statutes (C.G.S.); and the requirements for allowing beverage exemptions in public schools, mandated by C.G.S. [Section 10-221q](#). It also provides sample motion language for the board of education or governing authority's votes to allow food exemptions and beverage exemptions.

Each public school sponsor of the National School Lunch Program (NSLP) must complete their annual HFC Statement (Addendum to Agreement for Child Nutrition Programs (ED-099)) online in the Connecticut State Department of Education's (CSDE) Online Application and Claiming System for Child Nutrition Programs ([CNP System](#)), as part of the sponsor's application module for participation in the U.S. Department of Agriculture's (USDA) Child Nutrition Programs. When submitting the annual HFC Statement, each public school NSLP sponsor must upload their board of education or governing authority's meeting minutes, indicating the results of the HFC votes for:

- participating in the healthy food option of HFC; and
- allowing exemptions for sales of foods that do not comply with the [Connecticut Nutrition Standards](#) (CNS).

The language in the meeting minutes must reflect the specific criteria required by C.G.S. Section 10-215f for participating in the healthy food option of HFC and allowing food exemptions. For more information on the HFC application process, visit the "[Apply](#)" section of the CSDE's HFC webpage.

In addition to the HFC votes, the CSDE strongly encourages districts to vote on beverage exemptions at the same time, and to include language in the meeting minutes that reflects the specific criteria for beverage exemptions required by C.G.S. Section 10-221q. For more information, see "Beverages" on page 3.

Food Exemptions

HFC requires each board of education or governing authority for all public schools participating in the NSLP to certify annually to the CSDE whether they will follow the CNS for all foods sold to students separately from reimbursable meals in the USDA's school nutrition programs. The CNS applies to all competitive foods offered for sale to students on school premises at all times from all sources, including cafeterias, school stores, vending machines, fundraisers, and any other sources of food sales to students. Districts may choose to allow or not allow food exemptions.

Criteria for food exemptions

Foods that do not comply with the CNS can only be sold to students on school premises if the local board of education or governing authority votes to allow food exemptions and the following criteria are met: 1) the sale is in connection with an event occurring after the end of the regular school day

Exemptions for Foods and Beverages in Public Schools

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.

- 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 school debates are events, but soccer practices, play rehearsals, and debate team meetings are not.
- The “school day” is the period from midnight before to 30 minutes after the end of the official school day.
- “Location” means where the event is being held, and must be the same place as the food sales. For example, foods can be sold on the side of the soccer field during a soccer game, but not in the school cafeteria while a game is played on the soccer field.

Districts may choose to exempt all foods that do not comply with the CNS or may choose to exempt only certain foods or categories of foods. For example, chips and cookies are exempt, but candy is not. Districts may also choose to exempt all events or only certain events. For example, sales of exempted foods are allowed only at sports games, concerts, and theatre productions. If the district exempts only specific events and foods, these events and foods must be listed in the meeting minutes from the board of education or governing authority’s exemption vote.

If the board of education or governing authority chooses to make food exemptions part of the district’s school wellness policy, these exemptions remain in effect until the board of education or governing authority changes or rescinds the policy. However, as required by C.G.S. Section 10-215f, the board of education or governing authority must still vote annually on whether the district will follow the CNS and whether the district will allow food exemptions. This is part of the annual HFC Statement.



Sample language for food exemptions

The exemption language below applies to foods that the district will exclude from complying with the CNS, provided all sales comply with the three criteria for food exemptions required by C.G.S. Section 10-215f. Districts may make this language specific to certain events and foods by listing the specific events and foods that will be exempted.

- **Food exemptions:** The board of education will allow the sale to students of food items that do not meet the Connecticut Nutrition Standards provided that the following 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

Exemptions for Foods and Beverages in Public Schools

location of the event; and 3) the food items 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. The “school day” is the period from midnight before to 30 minutes after the end of the official school day. “Location” means where the event is being held, and must be the same place as the food sales.

The board of education or governing authority’s motion and meeting minutes for food exemptions should include the specific criteria for food exemptions required by C.G.S. Section 10-215f, as indicated in “Food exemptions” above.

Beverages

The state beverage requirements of C.G.S. Section 10-221q apply to all public schools, regardless of whether they choose the healthy food option of HFC or participate in the USDA’s school nutrition programs. C.G.S. Section 10-221q allows only five categories of beverages to be sold to students in public schools. For information on allowable beverages, see the CSDE’s handout, *Allowable Beverages in Connecticut Public Schools*.

C.G.S. Section 10-221q applies to all beverages sold as part of school meals and separately from school meals anywhere on school premises, including cafeterias, school stores, vending machines, fundraisers, and any other sources of beverage sales to students. Districts may choose to allow or not allow beverage exemptions. Districts that do not have a beverage exemption can never sell beverages that do not comply with C.G.S. Section 10-221q.

Beverage exemptions are not part of the annual HFC Statement, which applies only to food sales. If the district chooses to allow beverage exemptions, the CSDE recommends that the board of education or governing authority conducts the vote on beverage exemptions at the same time as the vote on HFC participation and food exemptions.

Criteria for beverage exemptions

Beverages that do not meet the requirements of C.G.S. Section 10-221q can only be sold to students on school premises if the local board of education or governing authority votes to allow beverage exemptions and the following criteria 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.

- 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 school debates are events, but soccer practices, play rehearsals, and debate team meetings are not.

Exemptions for Foods and Beverages in Public Schools

- The “school day” is the period from midnight before to 30 minutes after the end of the official school day.
- “Location” means where the event is being held, and must be the same place as the beverage sales. For example, beverages can be sold on the side of the soccer field during a soccer game, but not in the school cafeteria while a game is played on the soccer field.

Districts may choose to exempt all beverages that do not comply with the requirements of C.G.S. Section 10-221q or may choose to exempt only certain beverages or categories of beverages. For example, lemonade and sports drinks are exempt, but soda and energy drinks are not. Districts may also choose exempt all events or only certain events. For example, sales of exempted beverages are allowed only at sports games, concerts, and theatre productions.

If the district exempts only specific events and beverages, these events and beverages must be listed in the meeting minutes from the board of education or governing authority’s exemption vote. If the board of education or governing authority chooses to make beverage exemptions part of the district’s school wellness policy, they remain in effect until the board of education or governing authority changes or rescinds the policy.

Sample language for beverage exemptions

The exemption language below applies to beverages that the district will exclude from complying with C.G.S. Section 10-221q, provided all sales comply with the three criteria for beverage exemptions required by C.G.S. Section 10-221q. Districts may make this language specific to certain events and beverages by listing the specific events and beverages that will be exempted.



- **Beverage exemptions:** The board of education will allow the sale to students of beverages not listed in Section 10-221q of the Connecticut General Statutes provided that the following 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. An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting or extracurricular activity. The “school day” is the period from midnight before to 30 minutes after the end of the official school day. “Location” means where the event is being held, and must be the same place as the beverage sales.

Exemptions for Foods and Beverages in Public Schools

The board of education or governing authority's motion and meeting minutes for beverage exemptions should include the specific criteria for beverage exemptions required by C.G.S. Section 10-221q, as indicated in "Beverage exemptions" above.

Resources

Allowable Beverages in Connecticut Public Schools (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/AllowableBeverages.pdf>

Application Procedures for Heathy Food Certification Presentation (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/HFC/App/HFCPresentationApplication.pdf>

Beverage Requirements (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Beverage-Requirements>

Complying with Heathy Food Certification Presentation (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/HFC/HFCPresentationComplying.pdf>

Connecticut Nutrition Standards (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Connecticut-Nutrition-Standards>

Guide to Competitive Foods in Schools (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/CompetitiveFoodsGuide.pdf>

Healthy Food Certification Application:

<https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification/Apply>

Healthy Food Certification (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification>

List of Acceptable Foods and Beverages (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/List-of-Acceptable-Foods-and-Beverages>

Overview of Healthy Food Certification (CSDE):

<https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification>

Questions and Answers on Connecticut Statutes for School Foods and Beverages (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/HFC/CTStatutesQA.pdf>

Requirements for Beverages Containing Water and Juice (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/WaterJuiceBev.pdf>

Summary of Connecticut Nutrition Standards (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/HFC/CNS/SummaryCNS.pdf>

Exemptions for Foods and Beverages in Public Schools



For more information, visit the CSDE's [Healthy Food Certification and Beverage Requirements](#) webpages or contact the [coordinator of HFC](#) at the Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at <https://portal.ct.gov/-/media/SDE/Nutrition/HFC/FBexemption.pdf>.

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