

Food and Beverage Requirements for Fundraisers

PUBLIC SCHOOLS CHOOSING HEALTHY FOOD CERTIFICATION

This document summarizes the requirements for food and beverage fundraisers in public schools that choose to implement Healthy Food Certification (HFC) under [Section 10-215f](#) of the Connecticut General Statutes (C.G.S.).

“**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 for foods and beverages, since funds may be raised as a result.



- The requirements for **food** fundraisers in public schools are governed by the Connecticut Nutrition Standards (CNS) of C.G.S. [Section 10-215e](#), the state competitive foods regulations (Section 10-Guide to 215b-23 of the Regulations of Connecticut State Agencies) and the state requirement to sell healthy food choices (C.G.S. [Section 10-221p](#)).
- The requirements for **beverage** fundraisers in public schools are governed by the state beverage requirements of C.G.S. [Section 10-221q](#) and the U.S. Department of Agriculture (USDA) Smart Snacks nutrition standards for competitive foods, *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HFFKA of 2010* (Federal Register, Vol. 81, No. 146, July 29, 2016).

These 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 to students in HFC public schools must comply with the CNS, including fundraisers using commercial products such as potato chips, candy bars, frozen cookie dough and muffin mix, and fundraisers using foods made from scratch such as baked goods, popcorn, sandwiches, and smoothies. Foods that do not comply with the CNS can only be sold to students if the local board of education or school governing authority votes to allow exemptions and the food sales meet the specific exemption criteria (see “Food and Beverage Exemptions”). For more information, see the Connecticut State Department of Education’s (CSDE) handout, *Summary of Connecticut Nutrition Standards*, and the CSDE’s [CNS](#) webpage.

BEVERAGE FUNDRAISERS

All beverages sold to students as fundraisers must comply with Smart Snacks and the stricter provisions of the state beverage statute (C.G.S. Section 10-221q). The Smart Snacks standards apply only to beverages sold to students during the **school day**. The state beverage statute applies to beverages sold to students at **all times**, regardless of whether public schools participate in the USDA school nutrition programs. Beverages that do not comply with the state beverage statute can only be sold to students if the local board of education or school governing authority votes to allow exemptions and the beverage sales meet the specific exemption criteria (see “Food and Beverage Exemptions” on page 2). For more information, see the CSDE’s handouts, *Allowable Beverages in Connecticut Public Schools* and *Summary of Smart Snacks Nutrition Standards*, and the CSDE’s [Beverage Requirements](#) webpage.

FOOD AND BEVERAGE EXEMPTIONS

Foods that do not comply with the CNS and 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 foods and beverages are sold at the location of an event that occurs after the school day or on the weekend. Noncompliant foods and beverages can never be sold from vending machines or school stores.



- The “**school day**” is the period from midnight before to 30 minutes after the end of the official school day.
- 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.
- “**Location**” means where the event is being held. For example, cookies and lemonade can be sold at the baseball field during a baseball game, but cannot be sold in the school cafeteria while a baseball game is played on the baseball field.

For example, if the school day ends at 3:00 p.m., foods and beverages that do not comply with the requirements of state statute can only be sold at the location of an event that occurs sometime during the time frame of 3:31 p.m. through 11:59 p.m.

The vote to allow food exemptions is part of the online annual HFC Statement (Addendum to Agreement for Child Nutrition Programs, ED-099) that districts must submit to the CSDE by July 1 of each year. Beverage exemptions are not part of the annual HFC Statement. The board of education or school governing authority must vote separately to allow sales of noncompliant beverages, provided they meet the exemption criteria.

APPLICATION OF FUNDRAISER REQUIREMENTS

The information below summarizes when the CNS and state beverage statute apply to food and beverage fundraisers in HFC public schools.

- ▶ **Sales to Adults:** The CNS and 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 premises. However, the state requirements apply if students sell foods/beverages to adults off school premises, deliver the fundraiser orders and money to school, and pick up the food/beverage items at school (see “Fundraiser Catalogs and Orders” on page 3).
- ▶ **Adult Education Programs:** The state statutes for foods and beverages do not address an age limit for students or distinguish between regular and adult education programs. Therefore, the CNS and state beverage statute apply to foods and beverages sold to adults who are “students” in adult education programs under the board of education’s jurisdiction, if the food and beverage sales are under the control of the adult education program. For more information, see the CSDE’s memo, [Requirements for Selling Foods and Beverages in Adult Education Programs](#).

FOOD AND BEVERAGE FUNDRAISERS IN HFC SCHOOLS, continued

- ▶ **Compliant Foods and Beverages:** Foods that meet the CNS and beverages that meet the state beverage statute can be sold as fundraisers at any time on school premises if the sales comply with the state competitive foods regulation and C.G.S. Section 10-221p (see “Other State Requirements” on page 4). Allowable commercially prepared foods and beverages are listed on the CSDE’s *List of Acceptable Foods and Beverages*.



- ▶ **Fundraiser Catalogs and Orders:** Students can bring home fundraiser catalogs and sell foods and beverages off school premises. However, if students deliver fundraiser orders and money to school and pick up the foods/beverages at school, the fundraiser is selling foods/beverages to students on school premises. Parents or other adults must pick up the foods/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 (see “Food and Beverage Exemptions” on page 2). The district’s pick-up policy must be clearly indicated on the school’s fundraising flier and any written communication regarding the fundraiser.

- ▶ **Gift Cards and Similar Items:** Selling gift cards, entertainment books, coupons, tickets, tokens, and similar items that can be **exchanged** for foods/beverages is the same as selling foods/beverages to students. This includes coupons or gift cards that are redeemable at businesses selling foods/beverages, e.g., restaurants, convenience stores, fast food chains, and local dining establishments. To comply with the state statutes, sales of gift cards and similar items must comply with the same criteria described above (see “Fundraiser Catalogs and Orders” above).



- ▶ **Precooked and Bulk Foods:** The CNS and state beverage statute apply to all fundraisers held on school premises regardless of when the foods and beverages will be **consumed**. This includes products distributed on school premises in a precooked state such as frozen cookie dough, frozen pies, frozen pizza, and frozen smoothies; and products distributed on school premises in bulk quantities (multiple servings per package) such as boxes of candy bars, Girl Scout cookies, popcorn, tea bags, hot chocolate packets, and bags of gourmet coffee.
- ▶ **Distribution Time Frame:** The CNS and state beverage statute apply to all fundraisers held on school premises regardless of when the foods and beverages will be **distributed**. For example, a fundraiser selling tickets to students on Monday that can be exchanged for candy on Friday does not comply because the CNS does not allow candy.

- ▶ **Bake Sales:** Bake sales can only be held on school premises if all baked goods comply with the CNS, and the selling time frame complies with the state competitive foods regulation (see “Accrual of Income” on page 4) or the board of education votes to allow food exemptions, and the sales meet the specific exemption criteria (see “Food and Beverage Exemptions” on page 2). Bake sales can be held off school premises at any time (see “Fundraisers Outside of School” on page 3).



FOOD AND BEVERAGE FUNDRAISERS IN HFC SCHOOLS, continued

► **Candy and Gum Sales:** Candy and gum (including sugar-free) do not comply with the CNS. Regular and sugar-free candy (including mints and breath mints) and gum cannot be sold to students on school premises at any time, unless the board of education or school governing authority votes to allow food exemptions and the candy/gum sales meet the specific exemption criteria (see “Food and Beverage Exemptions” on page 2).



► **Nonfood Fundraisers:** Nonfood items can be sold as fundraisers on school premises 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:** The CNS and state beverage statute do not apply to fundraising activities that take place off school premises, such as bake sales at a supermarket or candy bar sales at a town community center. However, the state requirements apply if students sell foods/beverages off school premises, deliver the fundraiser orders and money to school, and pick up the food/beverage items at school (see “Fundraiser Catalogs and Orders” on page 3).

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 meeting the state and federal nutrition standards for foods and beverages, all fundraisers in HFC 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.

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

The state regulations apply to all USDA school nutrition programs, e.g., National School Lunch Program (NSLP), School Breakfast Program (SBP), Afterschool Snack Program (ASP), and Special Milk Program (SMP). 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**.



- “**Income**” means gross income.
- “**School premises**” means all areas of the property under the jurisdiction of the local or regional board of education, the regional vocational-technical school system, or the governing authority district or school.
- “**Nonprofit food service account**” means the restricted account in which all of the revenue from all food service operations conducted by the school food authority principally for the

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benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service. This account shall include, as appropriate, non-Federal funds used to support paid lunches as provided in 7 CFR 210.14(e), and proceeds from nonprogram foods as provided in 7 CFR 210.14(f).

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 HFC and the state beverage statute. For more information, see the CSDE's handout, *Connecticut Competitive Foods Regulations*, and *CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools*.

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 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*.

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](#) webpage, and the USDA's [School Wellness Policy](#) webpage.

RESOURCES

Allowable Beverages in Connecticut Public Schools:

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

Beverage Requirements (CSDE webpage):

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

Beverage Requirements for Connecticut Public Schools Presentation:

<http://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/BeveragesPresentation.pdf>

Competitive Foods (CSDE webpage):

<http://portal.ct.gov/SDE/Nutrition/Competitive-Foods>

Complying with Healthy Food Certification Presentation:

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

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Connecticut Competitive Foods Regulations:

<http://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/CTCompFoodRegulation.pdf>

Connecticut Nutrition Standards (CSDE webpage):

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

Connecticut Nutrition Standards Presentation: <http://portal.ct.gov/SDE/Nutrition/Connecticut-Nutrition-Standards/-/media/SDE/Nutrition/HFC/HFCPresentationComplying.pdf>

CSDE Operational Memorandum No. 1-18: *Accrual of Income from Sales of Competitive Foods in Schools:*

<http://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2018/OM01-18.pdf>

Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHS/FSIS of 2010 (Federal Register, Vol. 81, No. 146, July 29, 2016):

www.fns.usda.gov/school-meals/fr-072916d

Fundraiser Requirements Presentation:

<http://portal.ct.gov/-/media/SDE/Nutrition/HFC/HFCPresentationFundraisers.pdf>

Guide to Competitive Foods in Schools:

<http://portal.ct.gov/SDE/Nutrition/Connecticut-Nutrition-Standards/-/media/SDE/Nutrition/CompFoods/CompetitiveFoodsGuide.pdf>

Healthy Food Certification (CSDE webpage):

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

Healthy Fundraising:

<http://portal.ct.gov/-/media/SDE/Nutrition/Resources/HealthyFundraising.pdf>

List of Acceptable Foods and Beverages (CSDE webpage):

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

Questions and Answers on Connecticut Statutes for School Foods and Beverages:

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

Requirements for Beverages Containing Water and Juice:

<http://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/WaterJuiceBev.pdf?la=en>

Requirements for School Foods and Beverages (CSDE webpage):

<http://portal.ct.gov/SDE/Nutrition/Requirements-for-School-Foods-and-Beverages>

Smart Snacks Nutrition Standards (CSDE webpage):

<http://portal.ct.gov/SDE/Nutrition/Smart-Snacks-Nutrition-Standards>

Summary of Connecticut Nutrition Standards:

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

Summary of Smart Snacks Nutrition Standards:

<http://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/SmartSnacks.pdf>

FOOD AND BEVERAGE FUNDRAISERS IN HFC SCHOOLS, continued



For more information, visit the CSDE's [HFC](#) and [CNS](#) webpages or contact Susan S. Fiore, M.S., R.D., Nutrition Education Coordinator, Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103, 860-807-2075, susan.fiore@ct.gov.

*This handout is available at
<http://portal.ct.gov/-/media/SDE/Nutrition/HFC/FundraisersHFC.pdf>.*

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- (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.

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