Overview of Healthy Food Certification

This document summarizes the state and federal requirements for competitive foods sold to students in public schools that choose to implement the healthy food option of Healthy Food Certification (HFC) under Section 10-215f of the Connecticut General Statutes (C.G.S.). For information on HFC, visit the Connecticut State Department of Education’s (CSDE) HFC webpage. For detailed guidance on the requirements for competitive foods in HFC public schools, see the CSDE’s Guide to Competitive Foods in Schools.

Competitive foods sold to students in HFC public schools must comply with the Connecticut Nutrition Standards (CNS). Schools must also comply with any stricter provisions of federal regulations and Connecticut’s statutes and regulations, including:

- the U.S. Department of Agriculture’s (USDA) Smart Snacks nutrition standards for beverages required by the final rule, National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHFKA of 2010;
- C.G.S. Section 10-221q (Sales of beverages);
- C.G.S. Section 10-221p (Boards to make available for purchase nutritious and low-fat foods);
- Section 10-215b-1 of the Regulations of Connecticut State Agencies (Competitive foods); and
- Section 10-215b-23 of the Regulations of Connecticut State Agencies (Accrual of income).

These federal and state laws determine what foods and beverages can be sold in HFC public schools, and the time when sales can occur. For a summary chart of when the state and federal laws apply to different sources of food and beverage sales in HFC public schools, see the CSDE’s handout, When State and Federal Food and Beverage Laws Apply to Public Schools Choosing the Healthy Food Option of Healthy Food Certification. The CSDE’s guide, Guide to Competitive Foods in Schools, provides detailed information on the requirements for competitive foods in HFC public schools.

- “Competitive foods” are all foods and beverages available for sale to students on school premises, sold separately from reimbursable meals and snacks in the USDA Child Nutrition Programs (CNPs).

- The CNPs include the National School Lunch Program (NSLP), School Breakfast Program (SBP), Afterschool Snack Program (ASP) of the NSLP, Seamless Summer Option (SSO) of the NSLP, Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), Child and Adult Care Food Program (CACFP) At-risk Afterschool Meals operated in schools, and Summer Food Service Program (SFSP) operated in schools.
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C.G.S. Section 10-215f (Certification that food meets nutrition standards)
The state HFC statute (C.G.S Section 10-215f) requires that each board of education or governing authority for all Connecticut public schools participating in the NSLP must certify annually to the CSDE whether they will follow the CNS. The CNS applies to all foods sold to students separately from reimbursable meals on school premises at all times and from all sources, including cafeterias, school stores, vending machines, fundraisers, and any other sources of food sales to students, except for sales that meet the exemption criteria (see “Food Exemptions” on page 3). The CNS also applies to all foods served as reimbursable snacks in the ASP.

- “Sales” means the exchange of foods or beverages for a determined amount of money or its equivalent, such as tickets, coupons, tokens, and similar items. This includes any activities that suggest a student donation in exchange for foods and beverages; and programs or similar activities that charge a fee for student participation, and the fee includes the cost of foods and beverages provided to students on school premises.

- “School premises” include 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.

HFC public schools receive additional funding of 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 information on the HFC requirements and a list of current HFC districts, visit the CSDE’s HFC webpage.

HFC Application
All Connecticut public schools participating in the NSLP must submit the annual online Healthy Food Certification Statement (Addendum to Agreement for Child Nutrition Programs (ED-099)) to the CSDE by July 1 of each year. The board of education or school governing authority must vote on whether to implement the healthy food option, i.e., follow the CNS for all foods sold to students separately from reimbursable meals. If the district chooses to implement the healthy food option, the board of education or governing authority must also vote on whether to allow food exemptions. For more information, see the “Apply” section of the CSDE’s HFC webpage.

Connecticut Nutrition Standards
The CSDE developed the CNS in 2006, as required by C.G.S. 10-215e. The CNS is based on current nutrition science and national health recommendations from the Dietary Guidelines for Americans and national health and nutrition organizations. The CNS limits calories, fat, saturated fat, sodium, and added sugars; eliminates trans fat; and promotes nutrient-rich foods such as fresh fruits, vegetables, whole grains, low-fat dairy, legumes, and lean meats. For information on the specific CNS requirements, see the CSDE’s handout, Summary of Connecticut Nutrition Standards, and the
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CSDE’s Connecticut Nutrition Standards presentation. For additional resources, visit the CSDE’s CNS webpage.

The CSDE’s List of Acceptable Foods and Beverages webpage identifies commercial food products that comply with the CNS. If sales include foods made from scratch, schools must conduct a nutrient analysis of the recipes to determine if these foods comply with the CNS. For more information, see the CSDE’s handout, Guidance on Evaluating School Recipes, and visit the “How To” section of the CSDE’s CNS webpage.

Food Exemptions

The state HFC statute (C.G.S Section 10-215f) prohibits foods that do not comply with the CNS from being sold to students on school premises, unless the local board of education or school governing authority votes to allow exemptions as part of the annual HFC Statement, and: 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 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. For example, if school ends at 3:00 p.m., the school day is midnight to 3:30 p.m. A summer school program operated by the board of education or school governing authority is part of the regular school day.

- “Location” means where the event is being held. For example, cookies can be sold on the side of the soccer field during a soccer game, but cannot be sold in the school cafeteria while a game is played on the soccer field.

For example, if the school day ends at 3:00 p.m., foods that do not comply with the CNS can be sold at the location of an event that occurs anytime between 3:31 p.m. through 11:59 p.m. during the school week, or anytime on Saturday or Sunday. For more information on food exemptions, see the CSDE’s handout, Exemptions for Foods and Beverages in Public Schools.

Note: If the event occurs while any Child Nutrition Programs (CNPs) are operating, the state competitive foods regulations require additional restrictions for candy and the accrual of income from all foods and beverages sold to students on school premises during this time. For more information, see “Section 10-215b-1 of the Regulations of Connecticut State Agencies (Competitive Foods)” on page 7 and “Section 10-215b-23 of the Regulations of Connecticut State Agencies (Accrual of Income)” on page 8.
Fundraisers

Fundraisers held on school premises must comply with the CNS unless the board of education votes to allow exemptions as part of the annual HFC Statement, and the fundraisers meet the exemption criteria (see “Food Exemptions” on page 3). 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.

Schools can modify most fundraisers to comply with the HFC requirements, except for food sales during the school day, such as candy sales and bake sales. Districts can contact the CSDE for assistance with reviewing current fundraisers to determine if they comply with the HFC requirements. For more information, see the CSDE’s handout, Requirements for Food and Beverage Fundraisers in Public Schools Choosing HFC, and the CSDE’s presentation, Fundraiser Requirements.

Foods that comply with the CNS can be sold as fundraisers at any time on school premises, if the sales also comply with Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies (state competitive foods regulations) and C.G.S. Section 10-221p (Boards to make available for purchase nutritious and low-fat foods). For more information, see “Other Federal and State Requirements” on page 5.

The CSDE encourages schools to conduct healthy fundraisers. For more information, see the CSDE’s handout, Healthy Fundraising.

Foods and Beverages Given to Students

HFC, the state beverage statute (C.G.S. Section 10-221q), and Smart Snacks do not apply to foods and beverages that are given to students. “Given” means that foods and beverages are provided free of any charge, contribution, or suggested donations. Foods and beverages are not being given to students when:

- money, tickets, and similar items are required for students to obtain foods and beverages;
- a fee is collected for foods and beverages provided to students (such as a program or activity that charges a fee for student participation, and the fee includes the cost of foods and beverages provided to students during the program or activity); and
- donations are required for students to obtain foods and beverages.

If students must exchange money or its equivalent (such as tickets, coupons, tokens, and similar items), or provide a fee or suggested donation to receive foods and beverages, the state HFC and
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beverage statutes apply; foods must comply with the CNS and beverages must comply with the state beverage statute.

Note: Section 10-215b-1 of Connecticut’s state competitive foods regulations applies when certain foods and beverages are given to students. Section 10-215b-1 prohibits candy, coffee, tea, and soft drinks from being sold or given to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs. For example, if the SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., classroom parties cannot give candy, coffee, tea, and soft drinks to students on school premises from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. In addition, teachers cannot give coffee, tea, and soft drinks to students as food rewards during this same time. For more information, see “Section 10-215b-1 of the Regulations of Connecticut State Agencies (Competitive foods)” on page 7.

The local educational agency’s (LEA) school wellness policy may have additional local requirements for foods given to students. For more information, see “USDA School Wellness Policy Requirements” on page 8.

Other Federal and State Requirements

In addition to complying with the CNS, sales of competitive foods to students in HFC public schools must also comply with the applicable provisions of the USDA’s Smart Snacks nutrition standards and Connecticut statutes and regulations.

USDA Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHFKA of 2010

This USDA final rule (81 FR 50131) requires that all schools and institutions participating in the NSLP and SBP must follow the Smart Snacks nutrition standards for all competitive foods sold to students on school campus during the school day. Smart Snacks addresses foods and beverages, but only the beverage standards apply to HFC public schools.

- **Foods:** The Smart Snacks food standards do not apply to HFC public schools because the state HFC statute (C.G.S Section 10-215f) requires compliance with the CNS. The CNS requirements are stricter and supersede the Smart Snacks food standards. For a comparison of the requirements for the CNS and Smart Snacks, see the CSDE’s handout, *Comparison of the Connecticut Nutrition Standards and the USDA’s Smart Snacks Nutrition Standards*.

- **Beverages:** Some requirements of the Smart Snacks beverage standards are stricter than the state beverage statute (C.G.S. Section 10-221q), and some requirements of the state beverage statute are stricter than the Smart Snacks beverage standards. HFC public schools must comply with the strictest requirements of each. For more information, see “C.G.S. Section 10-221q (Sales of beverages)” below.
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C.G.S. Section 10-221q (Sales of beverages)
The state beverage statute applies to beverages sold to students (as part of school meals and separately from school meals) at all times. It also applies to all Connecticut public schools, even if they do not choose the healthy food option of HFC or do not participate in the CNPs.

The state beverage statute allows five categories of beverages in Connecticut public schools, including milk, 100 percent juice, nondairy milk substitutes, beverages containing only water and juice, and water. Each category must meet specific nutrition requirements. For information on the specific beverage requirements, see the CSDE’s handout, Allowable Beverages in Connecticut Public Schools, and the CSDE’s presentation, Beverage Requirements for Connecticut Public Schools. For additional resources, visit the CSDE’s Beverage Requirements webpage. Note: The beverage requirements in the CSDE’s resources include the stricter provisions of both the state and federal beverage standards.

Note: All beverages sold to students in Connecticut public schools must comply with the Smart Snacks beverage standards and any stricter beverage requirements of the state beverage statute. The CSDE’s List of Acceptable Foods and Beverages webpage identifies commercial beverage products that comply with the state beverage statute and the Smart Snacks beverage standards.

Beverage Exemptions
Beverages that do not comply with C.G.S. Section 10-221q cannot be sold to students on school premises, unless the local board of education or school governing authority votes to allow exemptions, and: 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. The definitions for “event,” “location,” and “school day” are the same as food exemptions (see “Food Exemptions” on page 3).

Beverage exemptions are not part of the annual HFC Statement, which applies only to food sales. The board of education or school governing authority must vote separately to allow exemptions for beverages that do not comply with C.G.S. Section 10-221q. For more information on exemptions, see the CSDE’s handout, Exemptions for Foods and Beverages in Public Schools.

Note: If the event occurs while any CNPs are operating, the state competitive foods regulations require additional restrictions for coffee, tea, and soft drinks; and the accrual of income from all foods and beverages sold to students on school premises during this time. For more information, see “Section 10-215b-1 of the Regulations of Connecticut State Agencies (Competitive Foods)” on page 7 and “Section 10-215b-23 of the Regulations of Connecticut State Agencies (Accrual of Income)” on page 8.
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C.G.S. Section 10-221p (Nutritious and low-fat foods)
This state statute requires that whenever foods are available for purchase by students in public schools 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. The statute defines “nutritious and low-fat foods” as low-fat dairy foods (such as low-fat cheese and low-fat or nonfat yogurt) and fresh or dried fruit. Low-fat milk is a beverage and cannot be used to meet the statutory requirement for low-fat foods.

C.G.S. Section 10-221p applies to all Connecticut public schools, even if they do not choose the healthy food option of HFC or do not participate in the CNPs. For more information, see the CSDE’s handout, Questions and Answers on Connecticut Statutes for School Foods and Beverages.

Section 10-215b-1 of the Regulations of Connecticut State Agencies (Competitive foods)
This state regulation prohibits the sale and dispensing candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs.

- “Sale” means the exchange of foods and beverages for a determined amount of money or its equivalent, such as tickets, coupons, tokens, and similar items that students can exchange for foods and beverages; activities that suggest a student donation in exchange for foods and beverages; and programs or similar activities that charge a fee for student participation, and the fee includes the cost of foods and beverages provided to students.

- “Dispensing” means to give, provide, or distribute foods and beverages to students. This includes foods and beverages that are given to students at no charge, such as food rewards and classroom parties.

- “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.

- “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), sweetened beverages (with or without carbonation) that are not 100 percent juice (such as lemonade and fruit punch drinks), and flavored water with added sweeteners.
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The state HFC statute (C.G.S Section 10-215f) and state beverage statute (C.G.S. Section 10-221q) supersede the time in Section 10-215b-1 because they do not allow sales of noncompliant foods (such as candy) or noncompliant beverages (such as coffee, tea, and soft drinks) to students on school premises; unless the local board of education or 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. For more information, see Food Exemptions” on page 3 and “Beverage Exemptions” on page 6.

However, if the event occurs while any CNPs are operating, Section 10-215b-1 of state regulations supersedes the exemptions allowed by the state HFC statute and state beverage statute. Events cannot sell or give candy, coffee, tea, and soft drinks to students from 30 minutes before up through 30 minutes after the operation of any CNPs. For more information, see the CSDE’s handout, Connecticut Competitive Foods Regulations.

The CSDE strongly encourages schools to promote consistent health messages to students by eliminating candy, coffee, tea, and soft drinks on school premises. For more information, see the CSDE’s handouts, Healthy Fundraising, Healthy Celebrations, and Alternatives to Food Rewards.

Section 10-215b-23 of the Regulations of Connecticut State Agencies (Accrual of income)

This state regulation requires that the gross income from all foods and beverages sold to students in anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs must accrue to the nonprofit food service account. For example, if the SBP operates from 7:00 a.m. to 8:00 a.m., the FFVP operates from 9:30 a.m. to 10:00 a.m., the NSLP operates from 11:30 a.m. to 1:00 p.m., and the ASP operates from 3:30 p.m. to 4:30 p.m., the nonprofit food service account must receive the income from all foods and beverages sold to students anywhere on school premises from 6:30 a.m. to 8:30 a.m., 9:00 to 10:30 a.m., 11:00 a.m. to 1:30 p.m., and 3:00 p.m. to 5:00 p.m. For more information, see the CSDE’s handout, Connecticut Competitive Foods Regulations, and CSDE’s Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools.

USDA School Wellness Policy Requirements

The LEA’s school wellness policy may have additional local requirements for foods and beverages that are sold or given to students. The Child Nutrition and WIC Reauthorization Act of 2004 (Section 4 of Public Law 108-265) and the Healthy, Hunger-Free Kids Act of 2010 require a school wellness policy for all schools and institutions that participate in the NSLP and SBP. Among other requirements, the school wellness policy must include nutrition guidelines for all foods and beverages available to students on the school campus during the school day. This includes foods and beverages that are sold to students, and foods and beverages that are given to students at no charge.
The LEA’s nutrition guidelines cannot be less strict than the CNS, Smart Snacks, and Connecticut’s statutes and competitive foods regulations. For information on school wellness policies, visit the CSDE’s School Wellness Policies webpage.

**USDA Regulations for Revenue from Nonprogram Foods**

Section 7 CFR 210.14 (f) of the NSLP regulations requires that all revenue from the sale of Nonprogram foods must accrue to the nonprofit school food service account. “Nonprogram foods” are foods sold in a school at any time or location on the school campus (other than reimbursable meals), purchased using funds from the nonprofit school food service account. **Note:** Nonprogram foods are different from competitive foods, which are defined on page 1.

In addition, when school food service labor is used to prepare foods for an outside entity (such as catering), the school food service program must ensure that all costs, including labor and any other costs incurred, are covered by the entity being served by the school food service program. For more information, see USDA Memo SP 20-2016: Nonprofit School Food Service Account Nonprogram Food Revenue Requirements and USDA Memo SP 13-2014: School Food Service Account Revenue from the Sale of Nonprogram Foods.

**Resources**

Allowable Beverages in Connecticut Public Schools (CSDE):


Alternatives to Food Rewards (CSDE):


Beverage Requirements (CSDE webpage):

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

Beverage Requirements for Connecticut Public Schools (CSDE presentation):


C.G.S Section 10-215e: Nutrition standards for food that is not part of lunch or breakfast program:


C.G.S Section 10-215f: Certification that food meets nutrition standards:

https://www.cga.ct.gov/current/pub/chap_169.htm#sec_10-215f

C.G.S. Section 10-221p: Boards to make available for purchase nutritious and low-fat foods:

https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221p

C.G.S. Section 10-221q: Sale of beverages:

https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221q
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Competitive Foods in Schools (CSDE webpage)
https://portal.ct.gov/SDE/Nutrition/Competitive-Foods

Complying with Healthy Food Certification (CSDE presentation):

Connecticut Nutrition Standards (CSDE webpage):

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

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

Fundraiser Requirements (CSDE presentation):

Guide to Competitive Foods in Schools (CSDE):

Healthy Food Certification (CSDE webpage):
https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification

Healthy Celebrations (CSDE):

Healthy Fundraising (CSDE):

List of Acceptable Foods and Beverages (CSDE webpage):

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

Requirements for Food and Beverage Fundraisers in Public Schools Choosing HFC (CSDE):

Requirements for Foods and Beverages in School Stores in Public Schools Choosing HFC (CSDE):

Requirements for Foods and Beverages in Vending Machines in Public Schools Choosing HFC (CSDE):

Resources for Healthy Foods and Beverages in Schools (CSDE):
https://portal.ct.gov/-/media/SDE/Nutrition/HFC/ResourcesHealthyFB.pdf
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Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies:
https://eregulations.ct.gov/eRegPortal/Browse/RCSA/%7B609BE155-0900-C92F-863D-9F144850E986%7D

School Wellness Policies (CSDE webpage):
https://portal.ct.gov/SDE/Nutrition/School-Wellness-Policies

Summary of Connecticut Nutrition Standards (CSDE)

When State and Federal Food and Beverage Laws Apply to Public Schools Choosing the Healthy Food Option of Healthy Food Certification (CSDE):
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For more information, visit the CSDE’s Healthy Food Certification and Connecticut Nutrition Standards 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/HFCOverview.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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