

Requirements for Competitive Foods in HFC Public Schools

This document summarizes the federal and state requirements for selling and giving competitive foods to students in Connecticut public schools that:

- participate in the U.S. Department of Agriculture’s (USDA) National School Lunch Program (NSLP); and
- choose to implement the healthy food option of Healthy Food Certification (HFC) under [Section 10-215f](#) of the Connecticut General Statutes (C.G.S.).

Connecticut public schools include all local and regional school districts, the regional educational service centers, the Connecticut Technical Education and Career System (CTECS), charter schools, interdistrict magnet schools, and endowed academies.

For guidance on how the federal and state requirements apply to different sources of foods and beverages in HFC public schools, refer to the Connecticut State Department of Education’s (CSDE) resources, [Requirements for Competitive Foods in HFC Public Schools](#) and [Summary Chart: Federal and State Requirements for Competitive Foods in HFC Public Schools](#). The CSDE’s [Guide to Competitive Foods in HFC Public Schools](#) provides detailed guidance on the requirements for competitive foods in HFC public schools. For more information on HFC, visit the CSDE’s [HFC](#) webpage.



Competitive foods include all foods and beverages available for sale to students on school premises separately from reimbursable meals served through the USDA’s Child Nutrition Programs (CNPs). Under Section 10-215b-1 of the Regulations of Connecticut State Agencies, competitive foods also include certain foods and beverages that are given to students while CNPs are operating.

Overview of Federal and State Requirements

All foods available for sale to students separately from reimbursable meals must comply with the [Connecticut Nutrition Standards](#) (CNS). The CNS also applies to foods served in the Afterschool Snack Program (ASP).

All beverages available for sale to students on school premises, as part of and separately from reimbursable meals and ASP snacks, must comply with the state beverage statute ([C.G.S. Section 10-221q](#)). Beverages available for sale to students on school premises during the school day must comply with the USDA’s Smart Snacks nutrition standards ([81 FR 50131](#)).

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Only the Smart Snacks **beverage** standards apply to HFC public schools. The food standards do not apply because the state HFC statute (C.G.S Section 10-215f) requires compliance with the stricter CNS, which supersedes the Smart Snacks food standards. The references to Smart Snacks in this document refer to the beverage standards. For a comparison of the CNS and Smart Snacks, refer to the CSDE’s resource, *Comparison of the Connecticut Nutrition Standards and the USDA’s Smart Snacks Nutrition Standards*.

Foods that do not comply with the CNS and beverages that do not comply with the state beverage statute cannot be sold to students on school premises unless the sales meet specific exemption criteria (refer to “[Food and Beverage Exemptions](#)” in this document).

In addition to the nutrition standards, HFC public schools must also comply with the following federal and state requirements:

- Connecticut’s statute requiring the sale of nutritious and low-fat foods ([C.G.S. Section 10-221p](#));
- Connecticut’s competitive foods regulations ([Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies](#));
- the local educational agency’s (LEA) school wellness policy, as required by the USDA’s school wellness policy legislation ([Section 4 of Public Law 108-265](#) and the [Healthy, Hunger-Free Kids Act of 2010](#)); and
- the USDA’s regulation for revenue from nonprogram foods ([7 CFR 210.14 \(f\)](#)).

These federal and state requirements determine what and when foods and beverages may be sold or given to students in HFC public schools. They also regulate the accrual of income from sales of foods and beverages to students.

“Sales” means the exchange of a determined amount of money or its equivalent (such as tickets, coupons, tokens, and similar items) for foods and beverages. Sales also include programs and activities that charge a fee that includes the cost of foods and beverages provided to students, and activities that suggest a student donation in exchange for foods and beverages. Under Connecticut’s statutes and regulations for competitive foods, sales include tickets and similar items that are given to students (such as food rewards) and can be exchanged for foods and beverages.



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- “Giving” means that foods and beverages are provided free of any charge, contribution, or suggested donations; and without the exchange of tickets, coupons, tokens, and similar items to obtain foods and beverages.
- “School premises” include all areas of the property under the jurisdiction of the local or regional board of education, the CTECS, or the governing authority district or school.

When the Requirements Apply

When the federal and state requirements differ, the stricter requirements apply. Some of the federal requirements are stricter than the state requirements, and some of the state requirements are stricter than the federal requirements. Some requirements apply during the school day, while others apply at all times or while CNPs are operating.

- The “school day” is the period from the 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 from 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.
- The CNPs include the [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.

Table 1 summarizes when the federal and state requirements apply to HFC public schools, which foods and beverages they regulate, and whether they apply to selling or giving foods and beverages to students.

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Table 1. Summary of requirements for competitive foods in HFC public schools

Requirement	Applies to	When applies	Applies to	
			Selling	Giving
Connecticut Nutrition Standards (C.G.S. Section 10-215e)	All foods available for sale to students on school premises separately from reimbursable meals through the CNPs, and all foods served in reimbursable ASP snacks (refer to “ Connecticut Nutrition Standards ” and “ Allowable Foods ” in this document). ¹	At all times, except for sales that meet the food exemption criteria of the state HFC statute (refer to “ Food and Beverage Exemptions ” in this document). ²	Yes	No
State beverage statute (C.G.S. Section 10-221q)	All beverages available for sale to students on school premises, as part of and separately from reimbursable meals and ASP snacks through the CNPs (refer to “ Allowable Beverages ” in this document). ¹	At all times, except for sales that meet the exemption criteria of the state beverage statute (refer to “ Food and Beverage Exemptions ” in this document). ²	Yes	No
USDA’s Smart Snacks (81 FR 50131)	All beverages available for sale to students on school premises, separately from reimbursable meals and snacks through the CNPs (refer to “ Allowable Beverages ” in this document). Note: While Smart Snacks addresses foods and beverages, only the beverage standards apply to HFC public schools. The food standards do not apply because the state HFC statute (C.G.S Section 10-215f) requires compliance with the stricter CNS.	During the school day.	Yes	No

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Table 1. Summary of requirements for competitive foods in HFC public schools, *continued*

Requirement	Applies to	When applies	Applies to	
			Selling	Giving
State statute for nutritious and low-fat foods (C.G.S. Section 10-221p)	All sales of foods to students on school premises during the school day, separately from reimbursable meals and snacks through the CNPs (refer to “ State Statute Requiring Nutritious and Low-fat Foods ” in this document). ¹	During the school day.	Yes	No
Section 10-215b-1 of the state competitive foods regulations	Selling and giving candy, coffee, tea, and soft drinks to students on school premises while any CNPs are operating (refer to “ Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks ” in this document). ¹	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	Yes
Section 10-215b-23 of the state competitive foods regulations	Accrual of income from all sales of foods and beverages to students on school premises while any CNPs are operating (refer to “ Section 10-215b-23: Accrual of income ” in this document). ¹	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	No
School Wellness Policy (Section 4 of Public Law 108-265 and the Healthy, Hunger-Free Kids Act (HHFKA) of 2010)	Selling and giving foods and beverages to students on school premises, separately from reimbursable meals and snacks through the CNPs (refer to “ USDA School Wellness Policy Requirements ” in this document). ³	During the school day.	Yes	Yes

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Table 1. Summary of requirements for competitive foods in HFC public schools, *continued*

Requirement	Applies to	When applies	Applies to	
			Selling	Giving
<p>USDA’s regulation for revenue from nonprogram foods (7 CFR 210.14 (f))</p>	<p>All foods and beverages purchased using funds from the nonprofit school food service account, and sold to students (other than reimbursable meals and snacks served through the CNPs) or adults at all times on school premises (refer to “USDA Regulation for Revenue from Nonprogram Foods” in this document).</p> <p>Note: Cafeteria a la carte sales are the most common source of nonprogram foods. This regulation also applies to vending machines when the foods and beverages are purchased using funds from the nonprofit school food service account.</p>	<p>At all times.</p>	<p>Yes</p>	<p>No</p>

- ¹ The state statutes and competitive foods regulations apply to all foods and beverages, regardless of when students will consume them. This includes products in a precooked state (such as frozen pies and cookie dough) or in bulk quantities (multiple servings per package), such as boxes of candy bars or cookies, and bags of popcorn kernels or gourmet coffee beans.
- ² The state HFC and beverage statutes specifically prohibit food and beverage exemptions for vending machines and school stores. All foods available for sale to students from vending machines and school stores must **always** comply with the CNS. All beverages available for sale to students from vending machines and school stores must **always** comply with the state beverage statute.
- ³ The LEA’s school wellness policy must include locally determined standards and nutrition guidelines for all foods and beverages and beverages available for sale to students, and provided to students free of any charge, on school premises during the school day (refer to “[USDA School Wellness Policy](#)” in this document).

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State HFC Statute

The state HFC statute (C.G.S Section 10-215f) requires that each board of education or school governing authority for all Connecticut public schools participating in the NSLP must certify annually to the CSDE whether they will comply with the CNS. Public schools are not required to comply with the CNS, but the state HFC statute requires all public schools to **certify each year** whether they will or will not comply with the CNS. The board of education or school governing authority must vote on whether the district will follow the CNS for all foods available for sale to students separately from reimbursable meals. If the district chooses to comply, the board of education or governing authority must also vote on whether to allow food exemptions.

The annual certification is completed online in the Healthy Food Certification Statement (Addendum to Agreement for Child Nutrition Programs (ED-099)), which must be submitted to the CSDE by July 1 of each year. HFC public schools receive additional funding, based on the total number of reimbursable lunches served in the district in the prior school year. For information on the HFC application process, HFC requirements, and a list of current HFC districts, visit the CSDE's [HFC](#) webpage.

Connecticut Nutrition Standards

In 2006, [C.G.S. 10-215e](#) required the CSDE to develop state nutrition standards for all foods available for sale 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. The CNS also applies to all foods in reimbursable ASP snacks. For information on the specific CNS requirements, refer to the CSDE's resources, [Summary of Connecticut Nutrition Standards](#) and [Connecticut Nutrition Standards](#) (presentation), and visit the CSDE's [CNS](#) webpage.

Allowable Foods

All commercial food products and foods made from scratch must comply with the CNS when they are available for sale to students separately from reimbursable meals or offered in reimbursable ASP snacks.

Noncompliant foods cannot be sold to students on school premises unless the sales meet the food exemption criteria of the state HFC statute (refer to "[Food and Beverage Exemptions](#)" in this document).

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The CNS applies to the amount of the food **as served**, including any added accompaniments such as butter, margarine, cream cheese, jelly, mayonnaise, ketchup, mustard, relish, salad dressing, sauce, and gravy. When a food includes an accompaniment (such as a bagel with cream cheese or pancakes with butter and syrup), the nutrition information for the **food and accompaniments** must be added together to review the serving for CNS compliance.

Commercial products

The serving of a commercial product (including any added accompaniments) must meet each nutrition standard for the applicable CNS food category. The CSDE's [List of Acceptable Foods and Beverages](#) webpage identifies commercial food products that comply with the CNS. For more information, refer to the CSDE's resources, [How to Evaluate Commercial Food Products for Compliance with the CNS](#) and [Submitting Food and Beverage Products for Approval](#).

Foods made from scratch

The serving of a recipe (including any added accompaniments) must meet each nutrition standard for the applicable CNS food category. Entities that sell foods made from scratch must complete the two steps below to provide documentation of each recipe's CNS compliance **before** selling these foods to students. Maintain this information on file for the CSDE's annual HFC documentation review.

1. **Standardized recipe with nutrition information per serving:** *This step is required to determine the recipe's nutrition information per serving.* Foods made from scratch must have a standardized recipe indicating the calories, fat, saturated fat, trans fat, sodium, and sugars per serving. The USDA defines a standardized recipe as one that has been tried, adapted, and retried several times for use by a given foodservice operation; and has been found to produce the same good results and yield every time when the exact procedures are used with the same type of equipment, and the same quantity and quality of ingredients. Standardized **quantity** recipes produce 25 or more servings. For guidance on developing and using standardized recipes, visit the "[Standardized Recipes](#)" section of the CSDE's Crediting Foods in School Nutrition Programs webpage.
 - If the recipe does not include nutrition information or is missing nutrients, the selling entity must conduct a nutrient analysis to determine the recipe's nutrition information per serving. The nutrient analysis can be conducted with a nutrient analysis software program, or a nutrient analysis database and the CSDE's [CNS Worksheet 9: Nutrient Analysis of Recipes](#).
 - If the recipe is missing nutrition information for sugars, calculate this information using [CNS Worksheet 10: Evaluating Recipes for Sugars](#).

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2. **Completed CSDE CNS worksheet for the applicable CNS food category:** *This step is required to determine if the recipe's serving complies with the CNS.* Enter the recipe's nutrition information per serving from step 1 (including any added accompaniments) into the appropriate CSDE worksheet for the CNS food category. The CNS worksheets are available in the "[CNS Worksheets](#)" section of the CSDE's CNS webpage.

Entities that sell foods made from scratch to students must complete these documentation requirements for all foods made from scratch. Foods made from scratch include the two food categories below.

- **Category 1: Foods prepared from scratch using a recipe:** Examples include entrees sold only a la carte (not as part of reimbursable NSLP and SBP meals) such as pizza, chef's salad, and lasagna; soups; cooked grains such as rice or pasta with added salt and fat (e.g., oil, margarine, or butter); cooked vegetables with added salt and fat (e.g., oil, margarine, or butter); salad with dressing; fruit smoothies; and baked goods such as muffins and cookies.

Recipes and nutrition information are **not** required for entrees sold a la carte during the **same meal service on the same day** that they are planned and served as part of reimbursable meals. These entrees are exempt from the CNS and may be sold a la carte during the meal service if they: 1) are the same or smaller portion size as the NSLP and SBP; 2) have the same accompaniments; 3) meet the trans fat standard; and 4) do not contain artificial sweeteners, nonnutritive sweeteners, sugar alcohols, or chemically altered fat substitutes.

Note: This exemption applies only to the **three categories of main dish entree items** defined by the CNS. Any other meal components sold separately from reimbursable meals must comply with the applicable CNS food category. For example, muffins that are part of a reimbursable meal cannot be sold a la carte unless they comply with the CNS snacks category; and french fries that are part of a reimbursable meal cannot be sold a la carte unless comply with the CNS fruits and vegetables category. For more information, refer to the CSDE's resource, [Summary of Connecticut Nutrition Standards](#).

- **Category 2: Foods with other ingredients added after purchasing:** Examples include popping popcorn kernels in oil; assembling a sandwich; making muffins from a mix and adding butter and eggs; adding butter to rice and pasta; adding dressing to salad; and adding sprinkles to commercial frozen cookie dough. The selling entity must create a recipe for these foods based on



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the specific amount of each ingredient and conduct a nutrient analysis to determine the nutrition information per serving.

For more information on evaluating recipes, refer to the CSDE's resources, [Guidance on Evaluating Recipes for Compliance with the CNS](#) and [How to Evaluate Foods Made from Scratch for Compliance with the CNS](#), and visit the "How To" section of the CSDE's CNS webpage.

Allowable Beverages

All beverages available for sale to students in Connecticut public schools must comply with the state beverage statute (C.G.S. Section 10-221q) and any stricter Smart Snacks requirements. The state beverage statute applies at **all times** to all beverages available for sale to students on school premises, including beverages sold as part of and separately from reimbursable meals. Smart Snacks applies to all beverages sold separately from reimbursable meals to students on school premises **during the school day**. 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.

Public schools can sell only the following five categories of beverages to students: milk; 100 percent juice; nondairy milk substitutes; beverages containing only water and juice; and water. Each category must meet the specific nutrition requirements of the federal and state beverage standards. For information on these requirements, refer to the CSDE's resources, [Allowable Beverages in Connecticut Public Schools](#) and [Beverage Requirements for Connecticut Public Schools](#) (presentation), and visit the CSDE's [Beverage Requirements](#) webpage.

Beverages that do not comply with the state beverage statute (such as juice drinks, soda, coffee, tea, sports drinks, and sweetened water) cannot be sold to students on school premises unless the sales are at the location of an event that meets the beverage exemption criteria of the state beverage statute. For more information, refer to "[Food and Beverage Exemptions](#)" in this document.

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Food and Beverage Exemptions

Foods that do not comply with the CNS and beverages that do not comply with the state beverage statute cannot be sold to students on school premises unless the local board of education or school governing authority has voted to allow exemptions and the sales meet the following exemption criteria of the state HFC and beverage statutes: 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 and 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. Events involve a gathering of people in a social context, such as sports competitions, awards banquets, school concerts, and theatrical productions. For example, soccer games, school plays, and school 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 may 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.

If the board of education or school governing authority has voted to allow food and beverage exemptions, noncompliant foods and beverages could be sold to students at the location of an event that occurs after the school day or on the weekend.

- **Example:** The school day ends at 3:00 p.m. Foods that do not comply with the CNS and beverages that do not comply with the state beverage statute could be sold to students from a fundraiser located at 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. However, if the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions. Section 10-215b-1 prohibits the fundraiser from selling or giving candy, coffee, tea, and soft drinks to students (refer to “[Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks](#)” in this document). Section 10-215b-23 requires that the fundraiser’s income during this time must accrue to the nonprofit food service account (refer to “[Section 10-215b-23: Accrual of income](#)” in this document). For example, if the ASP operates from 3:30 p.m. to 4:30 p.m., the nonprofit food service account must receive the fundraiser’s income from all foods and beverages sold to students from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m.; and the fundraiser cannot sell candy, coffee, tea, and soft drinks to students during this time.

Foods that do not comply with the CNS and beverages that do not comply with the state beverage statute can **never** be sold to students as a fundraiser from vending machines or school stores, even if the vending machines or school stores are at the location of an event. The state HFC and beverage statutes specifically prohibit food and beverage exemptions for vending machines and school stores.

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Required vote for food and beverage exemptions

The vote to allow food exemptions is part of the annual HFC Statement (Addendum to Agreement for Child Nutrition Programs (ED-099)) that public school sponsors of the NSLP must submit to the CSDE by July 1 of each year. The annual HFC Statement is completed online in the CSDE's Online Application and Claiming System for Child Nutrition Programs (CNP System), as part of the NSLP sponsor's yearly application for the CNPs. Sponsors must upload the meeting minutes that indicate the results of the board of education or school governing authority's HFC votes for the healthy food option and food exemptions.

Beverage exemptions are not part of the annual HFC Statement, which applies only to foods. The board of education or school governing authority must vote separately to allow exemptions for sales of beverages that do not comply with the state beverage statute. For more information, visit the "Apply" section of the CSDE's [HFC](#) webpage, and refer to the CSDE's resource, [Exemptions for Foods and Beverages in Public Schools](#).

State Statute Requiring Nutritious and Low-fat Foods

C.G.S. Section 10-221p requires that whenever foods are available for sale to students separately from reimbursable meals during the 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.

Entities that sell foods to students during the school day must also sell low-fat dairy foods and fresh or dried fruit, unless these foods are available for sale to students elsewhere on school premises at the same time. For sales that consist of preordered foods, the nutritious low-fat foods specified in the statute must be available for sale when students **receive** the foods, not when students order the foods. For more information on C.G.S. Section 10-221p, refer to the CSDE's resource, [Questions and Answers on Connecticut Statutes for School Foods and Beverages](#).



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State Competitive Foods Regulations

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies require additional restrictions for candy, coffee, tea, and soft drinks, and the accrual of income from all foods and beverages sold to students anywhere on school premises. In addition to selling and giving foods and beverages to students, these restrictions apply to:

- sales of foods at events on school premises that meet the exemption criteria of the state HFC statute;
- sales of beverages at events on school premises that meet the exemption criteria of the state beverage statute;
- fee-based programs and activities on school premises that include the cost of foods and beverages provided to students;
- programs and activities on school premises where students can exchange tickets, coupons, tokens, and similar items for foods and beverages (including tickets and similar items that are sold or given to students);
- student orders for foods and beverages from fundraisers on school premises;
- distribution of fundraiser foods and beverages to students on school premises; and
- fundraisers on school premises that offer foods and beverages to students in exchange for a suggested donation.

Sections 10-215b-1 and 10-215b-23 apply regardless of when students will consume the foods and beverages.

Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks

Section 10-215b-1 of the state competitive foods regulations prohibits selling and giving 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.

- “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, nonnutritive sweeteners, and sugar alcohols) and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples include soda (regular and diet), sports drinks (regular, low-calorie, and zero calorie), sweetened beverages (with or without

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carbonation) that are not 100 percent juice (such as lemonade and fruit punch drinks), and flavored water with added sweeteners.

Depending on when CNPs operate, the CNS, state beverage statute, and Smart Snacks beverage standards may supersede Section 10-215b-1; or Section 10-215b-1 may supersede the CNS, state beverage statute, and Smart Snacks beverage standards. These requirements are summarized below.

- **Selling candy, coffee, tea, and soft drinks:** The CNS and state beverage statute supersede Section 10-215b-1 because they apply at **all times**, not just while CNPs are operating. Schools cannot sell candy, coffee, tea, and soft drinks to students unless 1) the board of education or school governing authority has voted to allow food and beverage exemptions; 2) the sales meet the exemption criteria of the state HFC and beverage statutes (refer to “[Food and Beverage Exemptions](#)” in this document); and 3) the sales do not occur while any CNPs are operating. Candy, coffee, tea, and soft drinks can **never** be sold to students from vending machines or school stores. The state HFC and beverage statutes specifically prohibit exemptions for vending machines and school stores.
- **Giving candy, coffee, tea, and soft drinks:** The CNS, Smart Snacks beverage standards, and state beverage statute do not apply when foods and beverages are given to students. However, Section 10-215b-1 prohibits giving 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, including during and after the school day. 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., candy, coffee, tea, and soft drinks cannot be given to students anywhere on school premises from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. Examples include:
 - giving candy, coffee, tea, and soft drinks to students as rewards;
 - giving candy, coffee, tea, and soft drinks to students at classroom parties;
 - giving students tickets, coupons, tokens, or similar items that can be exchanged for candy, coffee, tea, and soft drinks;
 - distributing fundraiser orders of candy, coffee, tea, and soft drinks to students; and
 - giving candy, coffee, tea, and soft drinks to students in exchange for a suggested donation at a fundraiser.

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, refer to the CSDE’s resources, [Healthy Fundraising](#), [Healthy Celebrations](#), and [Alternatives to Food Rewards](#).

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Section 10-215b-23: Accrual of income

Section 10-215b-23 of the state competitive foods regulations requires that the gross income from all foods and beverages sold to students 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. The nonprofit food service account is the restricted revenue account used only for the operation or improvement of the nonprofit school food service.



All sales of foods and beverages to students anywhere on school premises during this time must comply with this regulation, including:

- sales of foods that comply with the CNS;
- sales of beverages that comply with the state beverage statute and Smart Snacks;
- sales of beverages at events that meet the exemption criteria of the state beverage statute;
- sales of tickets, coupons, tokens, and similar items that students can exchange for foods and beverages;
- program and activity fees charged to cover the cost of foods and beverages provided to students;
- student orders for foods and beverages; and
- student donations in exchange for foods and beverages.

The examples below show how Section 10-215b-23 applies to food and beverage sales.

- **Example 1:** A fundraiser on school premises sells compliant foods to students during the school day. 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. The nonprofit food service account must receive the fundraiser's income from all foods and beverages sold to students from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m.
- **Example 2:** A vending machine contract specifies that the school food service department will receive 20 percent of the total vending sales. If 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 100 percent of the vending machine's gross income from all foods and beverages sold to students from 11:00 a.m. to 1:30 p.m. and 3:00 p.m. to 5:00 p.m. **Note:** LEAs must ensure that all vending machine contracts comply with Section 10-215b-23. All vending machines must be turned off from 30 minutes before up through 30 minutes after the operation of any CNPs unless 100 percent of the gross vending income accrues to the nonprofit food service account.

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For more information, refer to the CSDE's resources, [Overview of Connecticut's Competitive Foods Regulations](#) and [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 selling and giving foods and beverages to students. The Child Nutrition and WIC Reauthorization Act of 2004 ([Section 4 of Public Law 108-265](#)) required all schools and institutions participating in the NSLP and SBP to develop a school wellness policy by the first day of school year 2006-07. The [Healthy, Hunger-Free Kids Act of 2010](#) strengthened the SWP law by adding requirements for public participation, transparency, and implementation.

Among other requirements, the LEA's school wellness policy must include nutrition guidelines for all foods and beverages that are sold or given to students on school premises during the school day. At a minimum, the LEA's school wellness policy for foods and beverages must meet all applicable federal and state nutrition standards and requirements. For more information on school wellness policies, visit the CSDE's [School Wellness Policies](#) webpage.

USDA Regulation 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 and beverages purchased using funds from the nonprofit school food service account and sold to students or adults at any time or location on school premises, other than reimbursable meals served through the CNPs. They are different from competitive foods, which include **all** foods and beverages available for sale to students on school premises separately from reimbursable meals served through the CNPs, regardless of what funding source purchased them.

Nonprogram foods include all foods and beverages sold in schools, adult meals, outside-of-school hours, and catering or vending activities. They also include competitive foods purchased using funds from the nonprofit school food service account, such as cafeteria a la carte sales or foods and beverages for vending machines operated by the food service department. For most school food authorities (SFAs), cafeteria a la carte sales account for the majority of nonprogram foods. Another common source is vending machines operated by the nonprofit school food service account.

This regulation also requires that when school food service labor is used to prepare foods for an outside entity (such as catering), the SFA 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, refer to [USDA Memo SP 13-2014: School Food Service Account Revenue from the Sale of](#)

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Nonprogram Foods and [USDA Memo SP 20-2016: Nonprofit School Food Service Account Nonprogram Food Revenue Requirements](#).

Resources

Allowable Beverages in Connecticut Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Allowable_Beverages_Public_Schools.pdf

Beverage Requirements (CSDE webpage):

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

Competitive Foods in Schools (CSDE webpage):

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

Connecticut General Statutes for School Foods and Beverages (CSDE's Laws and Regulations for Child Nutrition Programs webpage):

<https://portal.ct.gov/SDE/Nutrition/Laws-and-Regulations-for-Child-Nutrition-Programs#ConnecticutGeneralStatutes>

Connecticut Nutrition Standards (CSDE webpage):

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

Connecticut Regulations for Competitive Foods (CSDE's Laws and Regulations for Child Nutrition Programs webpage):

<https://portal.ct.gov/SDE/Nutrition/Laws-and-Regulations-for-Child-Nutrition-Programs#ConnecticutRegulations>

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

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

Culinary Programs (Related Resources section of CSDE's HFC webpage):

<https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification/Related-Resources#CulinaryPrograms>

Evaluate Foods for CNS Compliance ("How To" section of CSDE's Connecticut Nutrition Standards webpage):

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

Evaluating Foods for Compliance with the Connecticut Nutrition Standards ("How To" section of CSDE's Connecticut Nutrition Standards webpage):

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

Fundraisers (Related Resources section of CSDE's HFC webpage):

<https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification/Related-Resources#Fundraisers>

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Guide to Competitive Foods in HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Competitive_Foods_Guide_HFC.pdf

Healthy Food Certification (CSDE webpage):

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

How to Evaluate Commercial Food Products for Compliance with the CNS (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Evaluate_Commercial_Food_Products_CNS.pdf

How to Evaluate Foods Made from Scratch for Compliance with the CNS (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Evaluate_Scratch_Foods_CNS_Compliance.pdf

List of Acceptable Foods and Beverages (CSDE webpage):

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

Overview of Connecticut's Competitive Foods Regulations (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Overview_CT_Competitive_Foods_Regulations.pdf

Overview of Federal and State Laws for Competitive Foods in Connecticut Public Schools, Private Schools, and Residential Child Care Institutions (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Overview_Federal_State_Laws_Competitive_Foods.pdf

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

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Questions_Answers_Connecticut_Statutes_School_Foods_Beverages.pdf

Requirements for Competitive Foods in HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Requirements_Competitive_Foods_HFC.pdf

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

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Fundraiser_Requirements_HFC.pdf

Requirements for Foods and Beverages in Culinary Programs in HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Culinary_Programs_Requirements_HFC.pdf

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

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/School_Store_Requirements_NonHFC.pdf

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

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Vending_Machine_Requirements_HFC.pdf

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Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Resources_Federal_State_Requirements_Competitive_Foods.pdf.

School Stores (Related Resources section of CSDE's HFC webpage):

<https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification/Related-Resources#SchoolStores>

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies:

https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10Subtitle_10-215b/

Summary Chart: Federal and State Requirements for Competitive Foods in HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary_Chart_Requirements_Competitive_Foods_HFC.pdf

Summary of Connecticut Nutrition Standards (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/CNS/Connecticut_Nutrition_Standards_Summary.pdf

Vending Machines (Related Resources section of CSDE's HFC webpage):

<https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification/Related-Resources#VendingMachines>

Requirements for Competitive Foods in HFC Public Schools



For more information, visit the CSDE's [Healthy Food Certification](#) and [Connecticut Nutrition Standards](#) webpages or contact the [HFC Coordinator](#) in the CSDE's 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/Requirements_Competitive_Foods_HFC.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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