



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Sponsors of School Child Nutrition Programs

FROM: John Frassinelli, Chief
Bureau of Health/Nutrition, Family Services and Adult Education

DATE: April 25, 2014

SUBJECT: Operational Memorandum #31-14
Federal and State Requirements for Culinary Education Programs (Smart Snacks versus Connecticut Nutrition Standards)

This memorandum provides guidance regarding the treatment of culinary education programs that operate in schools participating in the U.S. Department of Agriculture (USDA) school meal programs. These requirements are different for schools that participate in Healthy Food Certification (HFC) under Section 10-215f of the Connecticut General Statutes versus non-HFC public schools, private schools and residential child care institutions (RCCIs). The following information summarizes the requirements for non-HFC schools (see "Requirements for Culinary Programs in Non-HFC Schools" below) and HFC schools (see "Requirements for Culinary Programs in HFC Schools" on page 2).

Requirements for Culinary Programs in Non-HFC Schools

Section 10 of the Child Nutrition Act of 1966 (CNA), 42 USC 1779, as amended by the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), requires that all food sold outside of school meal programs on school campus at any time during the school day must meet the Smart Snacks nutrition standards set forth in the interim final rule, "[National School Lunch Program \(NLSP\) and School Breakfast Program \(SBP\): Nutrition Standards for All Foods Sold in School as required by the HHFKA of 2010](#)," also known as the Smart Snacks rule. This interim final rule was published on June 28, 2013, and is **effective July 1, 2014**.

Some schools operate culinary education programs that provide students with technical career training. Some of these culinary education programs operate food service outlets that sell foods to students, faculty or others in the community during the school day. The USDA Smart Snacks nutrition standards have no impact on the culinary education program's **curriculum** in schools, nor do they have any impact on foods sold to adults at any time or to students outside of the school day. However, to the extent that such programs are selling food to students on campus during the school day, the statutory applicability of the Smart Snacks nutrition standards to all foods sold outside of school meal programs is clear. **As a result, foods sold to students must comply with the Smart Snacks nutrition standards.**

Section 12(l)(4)(J) of the Richard B. Russell National School Lunch Act (NSLA), 42 USC 1760(l)(4)(J), prohibits the USDA from granting a waiver that relates to the requirements of the NSLA, the CNA or any regulation issued under either statute with regard to the sale of foods sold outside of the school meal programs. **Therefore, the nutrition standards included in the interim final rule apply to all foods sold to students on the school campus during the school day, including foods prepared and/or sold by culinary education programs.**

It is important to reiterate that schools with culinary education programs are not required to alter their existing curriculum. The USDA recognizes the importance of these programs in building a wide range of student skills including business, operations, food safety and the culinary arts. However, for the small number of culinary education programs that significantly rely on revenue generated from the sale of foods, there are multiple alternatives available to maintain adequate funding for their operations. For instance, the majority of these programs already receive some revenue from catering services for adults, which would not be impacted by the Smart Snacks nutrition standards. Programs could further expand their services in this area, as well as to restaurants and off-campus school events. Schools can also choose to increase sales of foods that meet the Smart Snacks standards, which may require recipe adaptations or even simple adjustments to portion sizes offered.

During reviews of local education agencies (LEAs) and schools where noncompliance is identified, the USDA indicates that the appropriate response of state agencies is to provide technical assistance in conjunction with a corrective action plan to assist schools in working toward compliance. As stated in the interim final rule, there are currently no financial penalties associated with noncompliance with these standards identified during an administrative review.

For more information on the USDA Smart Snacks standards, see the Connecticut State Department of Education's (CSDE) [Competitive Foods](#) Web page and the USDA [Smart Snacks in School](#) Web page.

Requirements for Culinary Programs in HFC Schools

Public schools that participate in HFC must follow the [Connecticut Nutrition Standards](#) for all foods sold in schools. The Connecticut Nutrition Standards exceed the USDA Smart Snacks standards for competitive foods. They apply to all sources of food sales on school premises at all times, not just during the school day. Schools that participate in HFC will meet the USDA Smart Snacks standards.

Foods that do not meet the Connecticut Nutrition Standards can only be sold to students on school premises if the local board of education or school governing authority votes to allow exemptions (as indicated on the district's annual ED-099 Addendum, [Healthy Food Certification Statement](#)) and the following three 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 foods are not sold from a vending machine or school store.

Under HFC, the Connecticut Nutrition Standards do **not** apply to:

- the culinary education program curriculum;
- foods sold to adults at any time; or
- foods that are **given** to students at no cost.

However, any foods made in culinary programs that are sold to students separately from reimbursable meals at any time on school premises must meet the Connecticut Nutrition Standards, unless they meet the three exemption criteria above. As with any other HFC noncompliance issues, the CSDE can require districts that fail to comply with the HFC requirements to return state HFC funds.

For more information on the difference between the federal and state requirements for competitive foods, see the CSDE's handout, [Comparison Chart of USDA Competitive Foods Standards and Connecticut Nutrition Standards](#).

Questions may be directed to:

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