Requirements for Cafeteria A La Carte Foods and Beverages in HFC Public Schools

This document summarizes the federal and state laws for selling and giving foods and beverages to students from school cafeterias 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.

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Overview of Federal and State Laws

All foods available for sale to students on school premises separately from reimbursable meals must comply with the Connecticut Nutrition Standards (CNS). The CNS also applies to all foods served in the Afterschool Snack Program (ASP) of the NSLP.

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 also comply with the USDA's Smart Snacks nutrition standards.

> Only the Smart Snacks beverage standards apply to HFC public schools. The food standards do not apply because the state HFC statute requires that foods comply with the stricter CNS, which supersedes the Smart Snacks food standards. For guidance on the different requirements, refer to the Connecticut State Department of Education's (CSDE) resource, *Comparison of the Connecticut Nutrition Standards and the USDA's Smart Snacks Nutrition Standards*.

In addition to the nutrition standards for foods and beverages, school cafeterias must also comply with the federal and state laws for:

- **restrictions for selling and giving foods and beverages to students**, including the state statute requiring the sale of nutritious and low-fat foods (C.G.S. Section 10-221p); the state regulation that restricts selling and giving candy, coffee, tea, and soft drinks to students (Section 10-215b-1 of the Regulations of Connecticut State Agencies); and the local educational agency's (LEA) school wellness policy, as required by the 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*; and

- **accrual of income from selling foods and beverages to students**, including the state regulation that restricts income accrual (Section 10-215b-23 of the Regulations of Connecticut State Agencies); and the USDA's regulation for revenue from nonprogram foods (7 CFR 210.14(f)).

These laws determine what and when foods and beverages may be sold or given to students on school premises, and where the income must accrue.

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The definitions below apply to these requirements.

- "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 also include tickets and similar items that are given to students (such as food rewards) and can be exchanged for foods and beverages.

- "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, CTECS, or the governing authority district or school.

For guidance on how the federal and state laws apply to different sources of competitive foods in HFC public schools, refer to the CSDE's resources, *Requirements for Competitive Foods in HFC Public Schools* and *Summary Chart of Federal and State Requirements for Competitive Foods in HFC Public Schools,* and visit the "Guidance and Resources" section of the CSDE's HFC webpage. Training on the requirements for competitive foods in HFC public schools is available in the CSDE's *Complying with Healthy Food Certification* training program.

When the Laws Apply

The three categories of laws for competitive foods include: 1) nutrition standards for foods and beverages; 2) restrictions for selling and giving foods and beverages to students; and 3) accrual of income from sales of foods and beverages to students. These laws impose different requirements. Where they differ, the stricter requirements apply.

Some laws apply during the school day, while others apply at all times or while Child Nutrition Programs (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. Summer school programs operated by the BOE on school premises are part of the regular school day.

- The CNPs include the NSLP, School Breakfast Program (SBP), 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.

The charts below summarize when these laws apply to cafeterias in HFC public schools, which foods and beverages they regulate, and whether they apply to selling or giving foods and beverages to students.

Food and beverage orders

In addition to sales of foods and beverages, the state statutes and competitive foods regulations also apply to student orders for foods and beverages on school premises, regardless of when students will receive or consume the foods and beverages. This includes orders for foods that will be distributed later and purchases of frozen or uncooked products (such as frozen pies and cookie dough) and bulk products that contain multiple servings per package (such as boxes of candy bars or cookies and bags of popcorn kernels or gourmet coffee beans).

Category 1: Nutrition standards for foods and beverages

Category 1 Laws	Applies to	When applies
State Law: Connecticut Nutrition Standards C.G.S. Section 10-215e: Nutrition standards for food that is not part of lunch or breakfast program	Selling foods: All foods available for sale to students on school premises separately from reimbursable meals and all foods served in the ASP (refer to "Allowable Foods" in this document).	At all times. A la carte foods available for sale in school cafeterias must always comply with the CNS.
State Law: Beverages C.G.S. Section 10-221q: Sale of beverages	**Selling beverages:** All beverages available for sale to students on school premises as part of and separately from reimbursable meals and ASP snacks (refer to "Allowable Beverages" in this document).	At all times. All beverages available for sale in school cafeterias must always comply with the state beverage statute.

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Category 1 Laws	Applies to	When applies
Federal Law: Smart Snacks Nutrition Standards 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	**Selling foods and beverages:** All foods and beverages available for sale to students on school premises, separately from reimbursable meals and ASP snacks through the CNPs. **Note:** Only the Smart Snacks beverage standards apply to HFC public schools (refer to "Allowable Beverages" in this document). The food standards do not apply because the state HFC statute requires compliance with the stricter CNS. Effective June 8, 2026, the Smart Snacks beverage standards for milk were updated by the USDA final rule, Expanding Fluid Milk Options in Child Nutrition Programs, to allow unflavored and flavored whole and reduced-fat (2%) milk in addition to the previously allowed low-fat (1%) and fat-free milk. Flavored milk cannot exceed 1.25 grams of added sugars per fluid ounce.	During the school day.
Federal Law: Fluid Milk Options USDA final rule, Expanding Fluid Milk Options in Child Nutrition Programs	**Selling milk:** All milk available for sale to students on school premises as part of reimbursable meals and ASP snacks through the CNPs. Also applies to the USDA Smart Snacks Nutrition Standards for milk sold as competitive foods (separately from reimbursable meals and ASP snacks) during the school day.	During the CNPs and the school day.

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Category 1 Laws	Applies to	When applies
Federal Law: School Wellness Policy USDA final rule, Local School Wellness Policy Implementation Under the HHFKA of 2010	**Selling and giving foods and beverages:** Locally determined nutrition standards and guidelines for all foods and beverages on school premises available for sale to students or provided to students free of charge (refer to "USDA School Wellness Policy (*SWP*) Requirements" in this document).	During the school day.

Category 2: Restrictions for selling and giving foods and beverages to students

Category 2 Laws	Applies to	When applies
State Law: Nutritious and Low-fat Foods C.G.S. Section 10-221p: Nutritious and low-fat foods available for sale	**Selling foods:** All sales of foods to students on school premises (refer to "State Statute Requiring Nutritious and Low-fat Foods" in this document). **Note:** This statute does not apply to the cafeteria if the cafeteria does not have a la carte sales.	During the school day.
State Law: Candy, Coffee, Tea, and Soft Drinks Section 10-215b-1 of the Regulations of Connecticut State Agencies: Competitive foods	Selling and giving certain foods and beverages: 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).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. **Note:** The CNS and state beverage statute supersede this timeframe because they apply at all times, not just while CNPs are operating.

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Category 3: Income accrual from sales of foods and beverages to students

Category 3 Laws	Applies to	When applies
State Law: Income Accrual Section 10-215b-23 of the Regulations of Connecticut State Agencies: Income from the sale of food items	**Selling foods and beverages:** 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).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.
Federal Law: Nonprogram Foods 7 CFR 210.14(f). Revenue from nonprogram foods	Selling foods and beverages from the CNPs: Accrual of income from the sale of nonprogram foods in the CNPs (refer to "USDA Regulation for Revenue from Nonprogram Foods" in this document).	At all times.

Allowable Foods

Allowable a la carte foods for school cafeterias include commercial products and foods made from scratch that comply with the following CNS requirements: 1) the food must meet at least one general standard; and 2) the serving with its accompaniments (such as butter, cream cheese, salad dressing, and condiments) must meet the specific nutrition standards for the applicable CNS food category. Some examples of foods with accompaniments include bagels with cream cheese, muffins with butter, french fries with ketchup, pancakes with syrup, tortilla chips with salsa, and chicken nuggets with dipping sauce.

> School cafeterias can never sell a la carte foods that do not comply with the CNS. School cafeterias do not meet the definition of an event and are not eligible for food exemptions under the state HFC statute.

For specific information on the CNS requirements, refer to the CSDE's resource, *Summary of Connecticut Nutrition Standards*, and visit the CSDE's Connecticut Nutrition Standards webpage. Training is available in Module 3: Connecticut Nutrition Standards and Module 4:

Evaluating Foods for CNS Compliance of the CSDE's *Complying with Healthy Food Certification* training program.

Commercial food products

The CSDE's List of Acceptable Foods and Beverages webpage identifies commercial food products that comply with the CNS. For more information on allowable commercial food products, refer to the CSDE's resources, *How to Evaluate Commercial Food Products for Compliance with the Summary of Connecticut Nutrition Standards* and *Submitting Food and Beverage Products for Approval*, and refer to "Commercial Products" in the "Evaluating Foods for CNS Compliance" section of the CSDE's CNS webpage.

Foods made from scratch

The school food authority (SFA) must evaluate all foods made from scratch for CNS compliance before they are sold a la carte to students. Foods made from scratch include the two categories below.

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

- **Category 2: commercial foods with ingredients added after purchasing:** Examples include popping popcorn kernels in oil and adding salt; making muffins from a mix and adding butter and eggs; and adding sprinkles to commercial frozen cookie dough.

> Adding ingredients to a commercial product changes its nutrition information per serving. To determine CNS compliance, these foods require a standardized recipe that indicates the amount of each ingredient and the nutrition information per serving.

The required CNS documentation for foods made from scratch includes: 1) a standardized recipe with the nutrition information per serving (including any accompaniments served with the

food); and 2) the appropriate completed CNS worksheet indicating that the serving with its accompaniments complies with the CNS (refer to "CNS Worksheets" in the "Evaluating Foods for CNS Compliance" section of the CSDE's CNS webpage).

Standardized recipes with nutrition information are not required for entrees that are sold a la carte during the same meal service on the same day that they are planned and served as part of reimbursable meals in the NSLP and SBP. 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; and 3) do not contain artificial sweeteners, nonnutritive sweeteners, sugar alcohols, or chemically altered fat substitutes.

This entree exemption applies only to the three CNS categories of main dish entree items (refer to the CSDE's resource, *Summary of Connecticut Nutrition Standards*). Any other non-entree meal components sold separately from reimbursable meals must comply with the CNS. For example, french fries and muffins that are part of reimbursable meals cannot be sold a la carte unless they meet the CNS.



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Steps for evaluating foods made from scratch

SFAs must complete the steps below to document that all a la carte foods made from scratch comply with the CNS. Foods without this documentation cannot be sold to students.

1. **Determine the nutrition information per serving:** Foods made from scratch must have an accurate standardized recipe that indicates the calories, fat, saturated fat, sodium, and sugars per serving, including any accompaniments served with the food. If this nutrition information is missing, the SFA must conduct a nutrient analysis using a nutrient analysis software program, or a nutrient analysis database and the CSDE's *CNS Worksheet 9: Nutrient Analysis of Recipes*. For guidance on developing and using standardized recipes, visit the "Standardized Recipes" section of the CSDE's Crediting Documentation for the Child Nutrition Programs webpage.

2. **Verify that the nutrition information per serving complies with the CNS:** Enter the nutrition information for the standardized recipe's serving with its accompaniments into the CNS worksheet for the applicable CNS food category (refer to "CNS Worksheets" in the "Evaluating Foods for CNS Compliance" section of the CSDE's CNS webpage). The CNS worksheets compare the nutrition information per serving with the CNS and indicate if the serving complies.

3. **Maintain documentation of CNS compliance on file:** Maintain each standardized recipe and its completed CNS worksheet on file for the annual HFC documentation (due by November 30 of each year) and the CSDE's Administrative Review of the school nutrition programs. For easy access, the CSDE recommends storing this information electronically in a computer folder. For more information on the HFC documentation requirements, visit the "Annual HFC Documentation" section of the CSDE's HFC webpage and refer to the CSDE's resource, *Records Retention Requirements for the School Nutrition Programs*.

For additional guidance on evaluating foods made from scratch, refer to the CSDE's resources, *Guidance on Evaluating Recipes for Compliance with the Connecticut Nutrition Standards* and *How to Evaluate Foods Made from Scratch for Compliance with the Connecticut Nutrition Standards*, and visit "Foods Made from Scratch" in the "Evaluating Foods for CNS Compliance" section of the CSDE's CNS webpage.

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Allowable Beverages

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

Five categories of beverages are allowed for sale to students in public schools: 1) milk; 2) 100 percent juice; 3) nondairy milk substitutes; 4) beverages containing only water and juice; and 5) 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 resource, *Allowable Beverages in Connecticut Public Schools*, and visit the CSDE's Beverage Requirements webpage.

> School cafeterias can never sell beverages that do not comply with the state beverage statute, such as soda, coffee, tea, sports drinks, hot chocolate, sweetened water, and juice drinks that are not 100 percent juice. They do not meet the definition of an event and are not eligible for beverage exemptions under 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 Smart Snacks.



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Strategies to Ensure Compliance

To receive HFC funding, all district schools must comply with the CNS and HFC requirements. Districts are responsible for developing and implementing procedures to ensure that all cafeterias comply with these requirements.

- **Commercial products:** The most common noncompliance issues for commercial products include: 1) not verifying that the food or beverage is included on the CSDE's List of Acceptable Foods and Beverages webpage; and 2) not checking deliveries to ensure that vendors do not substitute noncompliant products.

- **Foods made from scratch:** The most common noncompliance issues for foods made from scratch include: 1) not having an accurate standardized recipe with the required nutrition information; and 2) not using the appropriate CNS worksheet to document that the standardized recipe's serving with its accompaniments complies with the CNS.

To prevent these noncompliance issues, school cafeterias must implement the strategies below.

1. **Evaluate all commercial products before purchasing:** Before purchasing any commercial products, determine that all foods comply with the CNS and all beverages comply with the state beverage statute and Smart Snacks. Use the CSDE's List of Acceptable Foods and Beverages webpage to verify that the food or beverage is listed. Check that the product's information exactly matches the CSDE-approved product, including the manufacturer name, product name, product description (e.g., variety/flavor), serving size, case pack, product code, and nutrition information.

   If the food includes accompaniments (such as butter, cream cheese, salad dressing, and condiments), add the nutrition information for the food and its accompaniments together to determine if the product still complies with the CNS. Accompaniments that cause an approved product to exceed the CNS limits cannot be served with the product.

   Commercial products that are not included on the CSDE's List of Acceptable Foods and Beverages webpage cannot be sold to students. SFAs may submit products to the CSDE for review using the steps in the CSDE's resource, *Submitting Food and Beverage Products for Approval*.

2. **Review orders before submitting to vendors:** Review all cafeteria orders for competitive foods to make sure that all foods comply with the CNS and all beverages comply with the state beverage statute and Smart Snacks (refer to strategy 1).

3. **Verify vendor assurances of product compliance:** When a food manufacturer, vendor, distributor, or salesperson indicates that a product complies with the CNS or state beverage statute, verify that these products are included on the CSDE's List of Acceptable Foods and Beverages webpage (refer to strategy 1). The CSDE does not review or approve vendor lists of compliant products or vendor statements about compliant products. A common vendor error is assuming that commercial products that meet the USDA's Smart Snacks nutrition standards also comply with the CNS. Many Smart Snacks products do not comply with the CNS because the CNS requirements are stricter. For guidance on the different requirements, refer to the CSDE's resource, *Comparison of the Connecticut Nutrition Standards and the USDA's Smart Snacks Nutrition Standards*.

4. **Check deliveries when received:** Ordering products that are on the CSDE's List of Acceptable Foods and Beverages webpage does not guarantee they will be delivered. Communicate with vendors that substitutions are not allowed. Train school food service staff to a) check deliveries to verify that vendors do not substitute noncompliant products; and b) refuse any noncompliant products. Noncompliant products discovered after an order is delivered must be returned to the vendor.

5. **Evaluate all a la carte foods made from scratch before selling to students:** Foods made from scratch cannot be sold a la carte to students unless the SFA has the following documentation on file: 1) an accurate standardized recipe that indicates the calories, fat, saturated fat, sodium, and sugars per serving (including the nutrition information for any accompaniments served with the food); and 2) the completed CNS worksheet for the applicable food category documenting that the standardized recipe's serving with its accompaniments complies with the CNS (refer to the "CNS Worksheets" section of the CSDE's CNS webpage). Make sure that this documentation is on file for all a la carte foods made from scratch (refer to "Foods made from scratch" in this document).

For detailed guidance on evaluating foods and preventing compliance issues, refer to the CSDE's resources, *How to Evaluate Commercial Food Products for Compliance with the Connecticut Nutrition Standards* and *How to Evaluate Foods Made from Scratch for Compliance with the Connecticut Nutrition Standards*. Training on the compliance strategies is available in Module 4: Evaluating Foods for CNS Compliance, of the CSDE's *Complying with Healthy Food Certification* training program.

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USDA School Wellness Policy (SWP) Requirements

The LEA's locally developed SWP may have additional requirements for selling and giving foods and beverages to students. The Child Nutrition and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Reauthorization Act of 2004 (Public Law 108-265) required all schools and institutions participating in the NSLP and SBP to develop a SWP by the first day of school year 2006-07. Section 204 of this Act strengthened the SWP law by adding requirements for public participation, transparency, and implementation. These requirements were effective August 29, 2016, under USDA' s final rule, *Local School Wellness Policy Implementation Under the HHFKA of 2010*.

Among other requirements, the LEA's SWP must include nutrition guidelines for all foods and beverages that are available for sale to students, or provided to students free of charge, on school premises during the school day. At a minimum, the LEA's SWP for foods and beverages must meet all applicable federal and state nutrition standards and requirements. For more information on SWPs, visit the CSDE's School Wellness Policies webpage.

State Statute Requiring Nutritious and Low-fat Foods

C.G.S. Section 10-221p requires that whenever foods are available for sale to students 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.

- **Cafeterias selling a la carte foods:** When any a la carte foods are available for sale during the NSLP or SBP meal service, school cafeterias must also have low-fat dairy products and fresh or dried fruit available for sale, unless these foods are available for sale to students elsewhere on school premises at the same time.

- **Cafeterias not selling a la carte foods:** School cafeterias that only sell reimbursable meals (no a la carte sales) are not required to sell the additional foods required by C.G.S. Section 10-221p. The statute does not apply unless the school sells a la carte items during the meal periods.

For more information on C.G.S. Section 10-221p, refer to section 4 of 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 restrict candy, coffee, tea, and soft drinks; and regulate the accrual of income from all foods and beverages sold to students anywhere on school premises. These requirements apply to all entities that sell or give foods and beverages to students while any CNPs are operating.

This includes tickets, coupons, tokens, and similar items that are sold or given to students and can be exchanged for foods and beverages; student orders for foods and beverages; and distribution of foods and beverages to students (refer to "Food and beverage orders" in this document). Sections 10-215b-1 and 10-215b-23 apply regardless of when students will receive or 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; candy bars; chocolate-covered nuts and fruits; hard candies and lollipops; chewy candies like caramels, taffy, and licorice; jelly candies like gumdrops, gummies, and jelly beans; 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 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.

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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. School cafeterias can never sell coffee, tea, and soft drinks to students.

- **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. Candy, coffee, tea, and soft drinks can never be given to students during this time.

    - **Example:** The NSLP operates from 11:00 a.m. to 1:00 p.m. Candy coffee, tea, and soft drinks cannot be given or distributed to students anywhere on school premises from 10:30 a.m. to 1:30 p.m.

The CSDE strongly encourages schools to promote consistent health messages to students by eliminating candy, coffee, tea, and soft drinks on school premises; even when allowed by federal and state laws.









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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 school food service account (NSFSA). The NSFSA 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 on school premises during this time must comply with this regulation. This includes sales of foods that comply with the CNS; sales of beverages that comply with the state beverage statute and Smart Snacks; student orders for foods and beverages from school cafeterias; and sales of tickets, coupons, tokens, and similar items that students can exchange for foods and beverages in school cafeterias. The example below shows how Section 10-215b-23 applies.

- **Example:** The SBP operates from 7:00 a.m. to 8:00 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 NSFSA must receive the income from all foods and beverages sold to students on school premises from 6:30 a.m. to 8:30 a.m., 11:00 a.m. to 1:30 p.m., and 3:00 p.m. to 5:00 p.m.

For more information on the competitive foods regulations, 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*.



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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 NSFSA. "Nonprogram foods" are foods and beverages purchased using funds from the NSFSA and sold to students or adults at any time or location on school premises, other than reimbursable meals served through the CNPs.

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 NSFSA, such as cafeteria a la carte sales or foods and beverages for vending machines operated by the food service department. For SFAs, cafeteria a la carte sales account for the majority of nonprogram foods. Another common source is vending machines operated by the NSFSA.

> Nonprogram foods are different from competitive foods. Competitive foods include all foods and beverages available for sale to students on school premises separately from reimbursable meals served through the CNPs, regardless of the funding source that purchased them. Some competitive foods are nonprogram foods because they are purchased using funds from the NSFSA, but many are not. For example, funds from the NSFSA might be used to purchase competitive foods that are sold from vending machines in the cafeteria; however, NSFSA funds are not typically used to purchase competitive foods that are sold from school stores and fundraisers.

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 Nonprogram Foods* and USDA Memo SP 20-2016: *Nonprofit School Food Service Account Nonprogram Food Revenue Requirements*.

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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

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 10-215e: Nutrition standards for food that is not part of lunch or breakfast program:
https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221q

C.G.S. Section 10-221p: Nutritious and low-fat foods available for sale:
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

C.G.S. Section 10-221q: Sale of beverages:
https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221q

CNS Worksheets ("Evaluating Foods for CNS Compliance" section of CSDE's Connecticut Nutrition Standards webpage):
https://portal.ct.gov/sde/nutrition/connecticut-nutrition-standards/evaluating-foods-for-cns-compliance#CNSWorksheets

Comparison of the Connecticut Nutrition Standards and the USDA's Smart Snacks Nutrition Standards (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/compfoods/comparison_chart_connecticut_nutrition_standards_and_smart_snacks.pdf

Complying with Healthy Food Certification (CSDE training program):
https://portal.ct.gov/sde/nutrition/healthy-food-certification/hfc-training-program

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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/state-statutes-and-regulations-for-school-foods-and-beverages#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

Evaluating Foods for CNS Compliance (CSDE's Connecticut Nutrition Standards webpage):
https://portal.ct.gov/sde/nutrition/connecticut-nutrition-standards/evaluating-foods-for-cns-compliance

Guidance on Evaluating Recipes for Compliance with the Connecticut Nutrition Standards (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/evaluating_recipes_cns_compliance.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 Connecticut Nutrition Standards (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 Connecticut Nutrition Standards (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

NSLP Regulations 7 CFR 210.14(f). Revenue from nonprogram foods:
https://www.ecfr.gov/current/title-7/part-210#p-210.14(f)

Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/nslp/memos/om2018/om01-18.pdf

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Overview of Connecticut 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

Records Retention Requirements for the School Nutrition Programs (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/nslp/adminrev/records_retention_snp.pdf

Requirements for Competitive Foods in HFC Public Schools (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/requirements_competitive_foods_hfc.pdf

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 Wellness Policies (CSDE webpage):
https://portal.ct.gov/sde/nutrition/school-wellness-policies

Summary Chart of 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

USDA Final Rule: Expanding Fluid Milk Options in Child Nutrition Programs:
https://www.fna.usda.gov/cn/fr-050826

USDA Final Rule: Local School Wellness Policy Implementation Under the HHFKA of 2010:
https://www.fna.usda.gov/cn/fr-072916c

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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:
https://www.fna.usda.gov/cn/fr-072916d

USDA Memo SP 13-2014: School Food Service Account Revenue from the Sale of Nonprogram Foods:
https://www.fna.usda.gov/cn/school-food-service-account-revenue-sale-non-program-foods

USDA Memo SP 20-2016: Nonprofit School Food Service Account Nonprogram Food Revenue Requirements:
https://www.fna.usda.gov/cn/nonprofit-school-food-service-account-nonprogram-food-revenue-requirements

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For more information, visit the CSDE's Healthy Food Certification webpage and Connecticut Nutrition Standards webpage or contact the HFC Coordinator at the Connecticut State Department of Education, Bureau of Child Nutrition Programs, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841. This document is available at https://portal.ct.gov/-/media/sde/nutrition/hfc/cafeteria_requirements_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; or
2. fax: (833) 256-1665 or (202) 690-7442; or
3. email: program.intake@usda.gov

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