




Complying with Healthy Food Certification (HFC)

Module 5: Laws for Foods and Beverages in HFC Schools



Connecticut State Department of Education
Bureau of Child Nutrition Programs

Revised August 2024

1

Introduction to Training Modules

- Module 1 Introduction to Training Modules and HFC
- Module 2 HFC Requirements
- Module 3 Connecticut Nutrition Standards (CNS)
- Module 4 Evaluating Foods for CNS Compliance
- Module 5 Laws for Foods and Beverages in HFC Schools**
- Module 6 Fundraisers

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2

CSDE Resource

Healthy Food Certification (HFC)


Related Resources section



<https://portal.ct.gov/sde/nutrition/healthy-food-certification/related-resources>

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3



Module Topics

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4

Module Topics

- Interaction of Laws
- Terms to Know
- Overview of State and Federal Laws
- USDA's Smart Snacks Nutrition Standards
- State Beverage Statute
- State Statute for Nutritious and Low-fat Foods
- State Competitive Foods Regulations
- USDA's School Wellness Policy
- Summary of Requirements for Noncompliant Foods and Beverages
- Knowledge Check: What State Laws Apply
- Resources

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5



Interaction Between State and Federal Laws

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6




Interaction Between Different Laws

- When the laws differ, the stricter requirements apply
- Follow CSDE's specific guidance

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7



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8



Competitive Foods

Foods and beverages available for sale to students on school premises separately from reimbursable meals served through the U.S. Department of Agriculture's (USDA) Child Nutrition Programs

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9



Sale, Sales, Sell, Selling


Exchange of a determined amount of money or its equivalent * for foods and beverages

* Coupons, tickets, tokens, and similar items

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10



School Premises

All areas of the property **under the jurisdiction** of the local or regional board of education, the Connecticut Technical Education and Career System (CTECS), or the governing authority district or school

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11



School Day

The period from midnight before to 30 minutes after the end of the official school day

- Includes summer school programs
- Applies to half days


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12

Example of School Day

- School ends at 3:00 PM
- School day = midnight through 3:30 PM
- After school day = 3:31 PM through 11:59 PM



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13

Give, Giving

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



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14

Compliant Foods and Beverages

Foods that meet the CNS and beverages that meet the requirements of the state beverage statute and the Smart Snacks beverage standards



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15

Noncompliant Foods and Beverages

Foods that do not meet the CNS and beverages that do not meet the requirements of the state beverage statute and the Smart Snacks beverage standards




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16

Overview of Laws for Competitive Foods in HFC Public Schools



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17

Laws for Competitive Foods in HFC Public Schools

- Connecticut General Statutes (C.G.S.)
- Regulations of Connecticut State Agencies (state competitive foods regulations)
- Federal regulations (USDA)

All competitive foods must comply



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18

Laws for Competitive Foods in HFC Public Schools

State Statutes

- HFC (C.G.S. Section 10-215f)
- CNS (C.G.S. Section 10-215e)
- Beverages (C.G.S. Section 10-221q)
- Nutritious and low-fat foods (C.G.S. Section 10-221p)



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19

Laws for Competitive Foods in HFC Public Schools

State Competitive Foods Regulations

- Section 10-215b-1: Selling and giving certain foods
- Section 10-215b-23: Accrual of income



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20

Laws for Competitive Foods in HFC Public Schools

Federal Regulations

- USDA Smart Snacks nutrition standards
 - Beverage standards only



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21

What the Laws Determine

WHAT	WHEN	HOW
foods and beverages may be sold or given to students	foods and beverages may be sold or given to students	income accrues from sales of competitive foods to students



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22

USDA Smart Snacks Nutrition Standards



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23

Smart Snacks

- Required for schools participating in NSLP and SBP
- Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010
- Effective July 1, 2014

<https://www.fns.usda.gov/cn/fr-072916d>



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24

How Smart Snacks Applies to HFC Public Schools

- Only beverage standards apply
- Food standards do not apply because HFC requires stricter CNS



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25

CSDE Resource

Comparison of the Connecticut Nutrition Standards and the USDA's Smart Snacks Nutrition Standards




https://portal.ct.gov/-/media/sde/nutrition/compfoods/comparison_chart_connecticut_nutrition_standards_and_smart_snacks.pdf

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26

State Beverage Statute (C.G.S Section 10-221q)



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27

State Beverage Statute Allows Five Categories *

- Milk
- 100% juice
- Nondairy milk substitutes
- Beverages containing only water and juice
- Water

* Must meet specific nutrition requirements



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28

State Beverage Statute

- Applies to all beverages available for sale to students on school premises
 - Part of reimbursable meals
 - Separately from reimbursable meals



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29

CSDE Resource

Allowable Beverages for Connecticut Public Schools



https://portal.ct.gov/-/media/sde/nutrition/hfc/requirements_competitive_foods_hfc.pdf

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30

Examples of Noncompliant Beverages (Do not meet state beverage statute, Smart Snacks, or both)


- Coffee and tea
- Hot chocolate and cocoa
- Sports drinks
- Energy drinks
- Whole and reduced-fat milk
- Nondairy milk substitutes that do not meet USDA's nutrition standards for fluid milk substitutes
- Milk-based beverages
- Sweetened juice drinks (not 100% juice)
- Waters with added sweeteners
- Waters with drink mix powders
- Water and juice beverages with added sweeteners or other prohibited ingredients

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31

Noncompliant Beverages Cannot Be Sold to Students Unless

- BOE votes to allow food exemptions
- Beverage sales meet state beverage statute's three exemption criteria




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32

Beverage Exemptions

- Not part of annual HFC Statement
- BOE must vote separately




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33

Beverage Exemptions: Three Criteria

- The sale is in connection with an event occurring after end of regular school day or on weekend
- The sale is at location of the event
- The beverages are not sold from a vending machine or school store



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34



Event

An occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity

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Is it an event?

<p>Events</p> <ul style="list-style-type: none"> Soccer game High school debate competition School play School chess match 	<p>Not events</p> <ul style="list-style-type: none"> Soccer practices Debate team practices Play rehearsals Chess club meetings
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36

Examples of Events

- Awards banquets
- Boy Scout Blue & Gold dinner
- Craft fairs
- Debate team competitions
- Election day (if school is not in session)
- Family bingo nights
- Math team competitions
- Mock trial competitions
- School carnivals
- School concerts
- School recitals
- School dances
- School fairs, e.g., health, science, and math
- Silent auctions
- Sports banquets
- Sports games, tournaments, and matches, e.g., football, basketball, soccer, tennis, field hockey, volleyball, wrestling, and cross country
- Talent shows
- Theatrical productions

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37



Location

The same place where the event is being held

Example
 Location of a soccer game is the field where the soccer game is being played

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Many Sources of Beverage Sales are Not Events Never eligible for exemptions

- Cafeteria a la carte sales
- School stores
- Vending machines
- Afterschool programs and activities
- Classes and educational programs
- Clubs, organizations, and similar groups
- Programs and meetings
- Summer school programs operated by BOE


Must always comply with state beverage statute

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39

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Exemptions for Foods and Beverages in Public Schools




https://portal.ct.gov/-/media/sde/nutrition/hfc/exemptions_food_beverages_public_schools.pdf

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40


State Beverage Statute (C.G.S Section 10-221q)



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Nutritious and Low-fat Foods (C.G.S Section 10-221p)



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42

Nutritious and Low-fat Foods (C.G.S Section 10-221p)

- Whenever foods are available for purchase by students during the regular school day, nutritious and low-fat foods must also be available for sale



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43

Foods Available for Purchase

Foods sold in vending machines, school stores, fundraisers, and any other sources of food sales in schools during the school day





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44

Nutritious and Low-fat Foods

Low-fat dairy foods (like low-fat cheese and low-fat or nonfat yogurt) and fresh or dried fruit

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Nutritious and Low-fat Foods (C.G.S Section 10-221p)

- Must be available for sale either at the same location as the food sales
- OR elsewhere on school premises at the same time




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46

Examples of How C.G.S Section 10-221p Applies

Reminder

- Food sales during school day = foods that comply with CNS
- Sales of noncompliant foods allowed only at events that meet HFC exemption criteria



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47

How C.G.S Section 10-221p Applies to School Stores

- Low-fat dairy products and fresh/dried fruit must be available for purchase at same time
 - from school store or
 - elsewhere on school premises while school store is selling food




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48

How C.G.S Section 10-221p Applies to Fundraisers

- Low-fat dairy products and fresh/dried fruit must be available for purchase while fundraiser is being held
 - location of fundraiser or
 - elsewhere on school premises while fundraiser is selling food




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49

How C.G.S Section 10-221p Applies to Fundraisers

Food Orders

- Low-fat dairy products and fresh/dried fruit must be available for purchase when students receive the foods

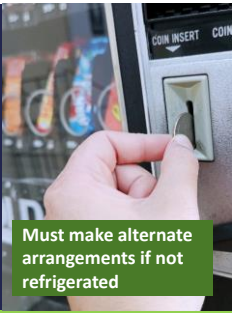


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50

How C.G.S Section 10-221p Applies to Vending Machines

- Low-fat dairy products and fresh/dried fruit must be available for purchase at the same time
 - From vending machines OR
 - Elsewhere on school premises while vending machines operate



Must make alternate arrangements if not refrigerated


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51

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Questions and Answers on Connecticut Statutes for School Foods and Beverages

Section 4



https://portal.ct.gov/-/media/sde/nutrition/hfc/questions_answers_connecticut_statutes_school_foods_beverages.pdf

52

State Competitive Foods Regulations



https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10Subtitle_10-215bSection_10-215b-1/
https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10Subtitle_10-215bSection_10-215b-23/

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53

Regulations of Connecticut State Agencies

Section	Restricts	When
10-215b-1: Competitive Foods	Selling and giving candy, coffee, tea, and soft drinks to students on school premises while CNPs are operating	30 minutes before up thorough 30 minutes after the operation of any CNPs
10-215b-23: Accrual of Income	Accrual of income from all sales of foods and beverages to students on school premises while CNPs are operating	Same

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54



Child Nutrition Programs

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- Afterschool Snack Program (ASP) of NSLP
- Seamless Summer Option (SSO) of 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
- Summer Food Service Program (SFSP)
operated in schools

<https://portal.ct.gov/sde/nutrition/child-nutrition-programs>

55



State Competitive Foods Regulations

Section 10-215b-1: Competitive Foods


https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10Subtitle_10-215bSection_10-215b-1/

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56

Regulations of Connecticut State Agencies Section 10-215b-1: Competitive Foods

- Restricts selling and giving
 - Candy
 - Coffee
 - Tea
 - Soft drinks



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57




Candy

All types of regular and sugar-free varieties, such as chocolates, candy bars, chocolate-covered nuts and fruits, hard candies, chewy candies, jelly candies, and breath mints

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Coffee and Tea

All types including regular, decaffeinated, herbal, and iced

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59



Soft Drinks

All beverages (with or without carbonation) that contain water and/or juice and added sweeteners, and that may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients

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60

Examples of Soft Drinks

- Soda (regular and diet)
- Sports drinks (regular, low-calorie, and zero calorie)
- Flavored waters with added sweeteners
- Sweetened beverages with or without carbonation that are not 100% juice, e.g., lemonade and fruit punch drinks




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61

How Section 10-215b-1 Applies to Selling

Superseded by CNS and state beverage statute

- HFC statute prohibits selling candy at all times (except events meeting exemption criteria)
- State beverage statute prohibits selling coffee, tea, and soft drinks at all times (except events meeting exemption criteria)
- Section 10-215b-1 applies only to sales at events that occur while CNP is operating




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62

Example: How Section 10-215b-1 Applies to Selling at Exempted Events

- A fundraiser sells candy and soft drinks to students at an event on school premises that occurs after the school day
- The ASP operates from 3:30 – 4:30 PM
- Fundraiser cannot sell candy, coffee, tea, and soft drinks to students from 3:00 p.m. to 5:00 p.m.




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63


Example: How Section 10-215b-1 Applies to Giving

When CNPs operate	Cannot give candy, coffee, tea, and soft drinks to students from
SBP 7:00 AM – 8:00 AM	6:30 AM – 8:30 AM
NSLP 11:30 AM – 1:00 PM	11:00 AM – 1:30 PM
ASP 3:30 PM – 4:30 PM	3:00 PM – 5:00 PM



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64



State Competitive Foods Regulations


Section 10-215b-23: Accrual of Income

Title_10SubTitle_10-215bSection_10-215b-23/
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65

Regulations of Connecticut State Agencies Section 10-215b-23: Accrual of Income

- Nonprofit school food service account (NSFSA) must receive gross income from all sales of foods and beverages to students anywhere on school premises from 30 minutes before until 30 minutes after any state or federally subsidized CNPs



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66

Example: How Section 10-215b-23 Applies

When CNPs operate	When income accrues to school food service account *
SBP 7:00 AM – 8:00 AM	6:30 AM – 8:30 AM
NSLP 11:30 AM – 1:00 PM	11:00 AM – 1:30 PM
ASP 3:30 PM – 4:30 PM	3:00 PM – 5:00 PM

* Includes income from sales of foods and beverages at exempted events

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67

Example: How Section 10-215b-23 Applies to Vending Machine Contracts


- Contract specifies school food service receives **20% of total vending sales**
- Vending machines operate from 30 minutes before up through 30 minutes after the NSLP
- NSFSA must receive **100% of total vending sales (gross income)** during this time

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68

CSDE Resource

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



<https://portal.ct.gov/-/media/sde/nutrition/nsfp/memos/om2018/om01-18.pdf>

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69

CSDE Resource


Overview of Connecticut's Competitive Foods Regulations



https://portal.ct.gov/-/media/sde/nutrition/compfoods/overview_ct_competitive_foods_regulations.pdf

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70



Local School Wellness Policy (LSWP)

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71



LSWP

A written document of official policies that guide the efforts of a local educational agency (LEA) or school district to establish a school environment that promotes students' health, well-being, and ability to learn by supporting healthy eating and physical activity

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72

LSWP Legislation

- Strengthened by Healthy, Hunger-Free Kids Act of 2010 (HHFKA)
 - Effective August 29, 2016, under USDA's final rule, Local School Wellness Policy Implementation Under the HHFKA of 2010

<https://www.federalregister.gov/documents/2016/07/29/2016-17230/local-school-wellness-policy-implementation-under-the-healthy-hunger-free-kids-act-of-2010>

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73

LSWP Must Include Nutrition Guidelines

- Apply to all foods and beverages available to students on school premises during the school day
 - Selling
 - Giving
- Check with LSWP coordinator about district's requirements

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74

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School Wellness Policies

<https://portal.ct.gov/sde/nutrition/school-wellness-policies>

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75

Summary of Requirements for Noncompliant Foods and Beverages

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76

Summary of Requirements

- Noncompliant foods
 - Candy
 - Gum
 - Coffee, tea, and soft drinks

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77

Reminder About Noncompliant Foods

- Cannot be sold to students on school premises unless
 - BOE votes to allow exemptions
 - sales meet food exemption criteria

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78

Food Exemption Criteria

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 location of the event
3. The foods are not sold from a vending machine or school store

May sell noncompliant foods




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79

If Event Occurs While CNPs Are Operating

- State competitive foods regulations apply 30 minutes before up through 30 minutes after
 - Section 10-215b-1: Cannot sell candy, tea, coffee, and soft drinks
 - Section 10-215b-23: Income must accrue to NSFSA



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80

Requirements for Candy Sales

- Cannot be sold to students on school premises unless sales meet three requirements
 1. BOE voted to allow food exemptions **AND**
 2. Sales meet exemption criteria of state HFC statute **AND**
 3. Event cannot occur while any CNPs are operating



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81

Examples of Candy (includes Sugar Free)

- Chocolate
- Candy bars
- Chocolate-covered nuts and fruits
- Hard candies and lollipops
- Caramels, taffy, and licorice
- Jelly candies, e.g., gumdrops, gummies, and jelly beans
- Breath mints




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82

Requirements for Gum Sales (Regular and Sugar-free)

- Gum = food
- Cannot be sold to students on school premises unless sales meet two requirements
 1. BOE voted to allow food exemptions
 2. Sales meet exemption criteria of state HFC statute



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83

Requirements for Gum Sales (Regular and Sugar-free)

- If event occurs while CNPs are operating, Section 10-215b-23 of state competitive foods regulations applies
 - Income must accrue to NSFSA




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84

Requirements for Coffee, Tea, and Soft Drinks

- Cannot be sold to students on school premises unless sales meet three requirements
 - BOE voted to allow beverage exemptions
 - Sales meet exemption criteria of state beverage statute
 - Event cannot occur while any CNPs are operating




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85

Knowledge Check: What State Laws Apply

- Review different types of food and beverage sales and decide which state laws apply to each situation



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86

Reminder: Five State Laws

- Food exemptions (C.G.S. 10-215f)
- Beverage exemptions (C.G.S. 10-221q)
- No selling/giving candy, coffee, tea, and soft drinks while CNPs operate (Section 10-215b-1 of state regulations)
- Income must accrue to NSFSAs while CNPs operate (Section 10-215b-23 of state regulations)
- Nutritious and low-fat foods (C.G.S. 10-221p)

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87

Scenario 1: Concession Stand at Football Game

- Concession stand located at football field sells foods and beverages to students during football game after the school day from 4:00 – 6:00 PM
- ASP operates from 4:30 – 5:30 PM

What state laws apply?

- Food exemptions (C.G.S. 10-215f)
- Beverage exemptions (C.G.S. 10-221q)
- No selling/giving candy, coffee, tea, and soft drinks while CNPs operate (Section 10-215b-1 of state regulations)
- Income must accrue to NSFSAs while CNPs operate (Section 10-215b-23 of state regulations)
- Nutritious and low-fat foods (C.G.S. 10-221p)



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88

Scenario 2: Fundraiser Sales of Compliant Cookies

- Fundraiser sells cookies to students from 1:30 – 2:00 PM
- Cookies comply with CNS
- CNPs not operating

What state laws apply?

- Food exemptions (C.G.S. 10-215f)
- Beverage exemptions (C.G.S. 10-221q)
- No selling/giving candy, coffee, tea, and soft drinks while CNPs operate (Section 10-215b-1 of state regulations)
- Income must accrue to NSFSAs while CNPs operate (Section 10-215b-23 of state regulations)
- Nutritious and low-fat foods (C.G.S. 10-221p)



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89

Scenario 3: Vending Machine Sales

- Vending machines located by gym sell compliant foods and beverages all day
- SBP operates from 7:00 – 8:00 AM
- NSLP operates from 12:00 – 1:30 PM

What state laws apply?

- Food exemptions (C.G.S. 10-215f)
- Beverage exemptions (C.G.S. 10-221q)
- No selling/giving candy, coffee, tea, and soft drinks while CNPs operate (Section 10-215b-1 of state regulations)
- Income must accrue to NSFSAs while CNPs operate (Section 10-215b-23 of state regulations)
- Nutritious and low-fat foods (C.G.S. 10-221p)



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90

Scenario 4: School Store Sales

- Official school day ends at 2:30 PM
- School store sell compliant foods and beverages to students on school premises from 3:00 – 4:00 PM
- ASP operates from 3:00 – 3:30 PM

What state laws apply?

- Food exemptions (C.G.S. 10-215f)
- Beverage exemptions (C.G.S. 10-221q)
- No selling/giving candy, coffee, tea, and soft drinks while CNPs operate (Section 10-215b-1 of state regulations)
- Income must accrue to NSFSA while CNPs operate (Section 10-215b-23 of state regulations)
- Nutritious and low-fat foods (C.G.S. 10-221p)



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91

Scenario 5: Culinary Program Sales

- Culinary program sells compliant foods and beverages to students on school premises from 12:00-1:00 PM
- NSLP operates from 12:00-1:00 PM

What state laws apply?

- Food exemptions (C.G.S. 10-215f)
- Beverage exemptions (C.G.S. 10-221q)
- No selling/giving candy, coffee, tea, and soft drinks while CNPs operate (Section 10-215b-1 of state regulations)
- Income must accrue to NSFSA while CNPs operate (Section 10-215b-23 of state regulations)
- Nutritious and low-fat foods (C.G.S. 10-221p)



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92

Resources




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93

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Requirements for Competitive Foods in HFC Public Schools




https://portal.ct.gov/-/media/sde/nutrition/hfc/requirements_competitive_foods_hfc.pdf

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94

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




https://portal.ct.gov/-/media/sde/nutrition/hfc/cafeteria_requirements_hfc.pdf

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95

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Requirements for Food and Beverage Fundraisers in HFC Public Schools



https://portal.ct.gov/-/media/sde/nutrition/hfc/fundraiser_requirements_hfc.pdf

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96

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Requirements for Foods and Beverages in Vending Machines in HFC Public Schools

https://portal.ct.gov/-/media/sde/nutrition/hfc/vending_machine_requirements_hfc.pdf

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97

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Requirements for Foods and Beverages in School Stores in HFC Public Schools

https://portal.ct.gov/-/media/sde/nutrition/hfc/school_store_requirements_hfc.pdf

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98

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

https://portal.ct.gov/-/media/sde/nutrition/compfoods/summary_chart_requirements_competitive_foods_hfc.pdf

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99

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Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools

https://portal.ct.gov/-/media/sde/nutrition/compfoods/resources_federal_state_requirements_competitive_foods.pdf

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100

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Connecticut Nutrition Standards

<https://portal.ct.gov/sde/nutrition/connecticut-nutrition-standards>

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101

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Healthy Food Certification

<https://portal.ct.gov/sde/nutrition/healthy-food-certification>

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102

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Healthy Food Certification

Healthy Food Certification (HFC)

Related Resources

CSDE Training Program: Complying with Healthy Food Certification

HFC Resources

- Adult Education | Beverages | Competitive Foods
- CMS | Culinary Programs | Fundraisers | HFC Requirements
- List of Acceptable Foods and Beverages | School Stores | Vending Machines

<https://portal.ct.gov/sde/nutrition/healthy-food-certification>

Connecticut State Department of Education • Revised August 2024

103

CSDE Webpage

Competitive Foods in Schools

Competitive Foods in Schools

Overview

Related Resources

<https://portal.ct.gov/sde/nutrition/competitive-foods>

Connecticut State Department of Education • Revised August 2024

104

CSDE Webpage

Laws and Regulations for Child Nutrition Programs

Laws and Regulations for Child Nutrition Programs

Overview

School Nutrition Programs and Summer Food Service Program (SFSF)

Connecticut General Statutes | Connecticut Regulations

<https://portal.ct.gov/sde/nutrition/laws-and-regulations-for-child-nutrition-programs>

Connecticut State Department of Education • Revised August 2024

105

Questions?

Contact CSDE's HFC coordinator or school nutrition programs staff

<https://portal.ct.gov/sde/nutrition/healthy-food-certification/contact>

<https://portal.ct.gov/-/media/sde/nutrition/cmstf/countysign.pdf>

Connecticut State Department of Education • Revised August 2024

106

Thank you for participating!

<https://portal.ct.gov/sde/nutrition/healthy-food-certification/related-resources>

Connecticut State Department of Education • Revised August 2024

107

USDA Nondiscrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-DASCR%20P-Complaint-Form-0508-0002-508-11-25-1770a24-all.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

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

This institution is an equal opportunity provider.

Connecticut State Department of Education • Revised August 2024

108

CSDE Nondiscrimination Statement

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