

Requirements for Foods and Beverages in Culinary Programs in Private Schools and Residential Child Care Institutions

This document summarizes the federal and state laws for selling and giving foods and beverages to students from culinary programs in Connecticut private schools and residential child care institutions (RCCIs) that participate in the U.S. Department of Agriculture’s (USDA) National School Lunch Program (NSLP) and School Breakfast Program (SBP).

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Overview of Federal and State Requirements

All foods and 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](#)). In addition to these nutrition standards for foods and beverages, culinary programs must also comply with the federal and state laws for:

- **restrictions for selling and giving foods and beverages to students**, including 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's school wellness policy legislation (Child Nutrition and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Reauthorization Act of 2004 (Section 4 of [Public Law 108-265](#)) and the [Healthy, Hunger-Free Kids Act of 2010](#)); and
- **accrual of income from selling foods and beverages to students**, i.e., the state regulation that restricts income accrual ([Section 10-215b-23 of the Regulations of Connecticut State Agencies](#)).

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. 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. **Note:** Under Connecticut's statutes and regulations for competitive food sales also include tickets and similar items that are given to students (such as food rewards) and can be exchanged for foods and beverages. Smart Snacks does not apply to foods and beverages that can be obtained with tickets and similar items that are given to students.
- "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 school governing authority.

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For guidance on how the federal and state laws apply to different sources of foods and beverages in private schools and RCCIs, refer to the Connecticut State Department of Education's (CSDE) resources, [Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions](#) and [Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions](#). For more information, visit the "[Private Schools and RCCIs](#)" section of the CSDE's [Competitive Foods in Schools](#) webpage.

When the Laws Apply

The federal and state laws for competitive foods have different requirements. When the laws differ, the stricter requirements apply. Some requirements apply during the school day, while others apply at all times or while Child Nutrition Programs (CNP) 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 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. **Note:** RCCIs may be eligible to participate in the ASP if they operate an afterschool care program with enrichment or education activities that meet the criteria for ASP participation. RCCIs may be eligible to serve At-risk Afterschool Meals if they have non-residential care programs and these programs offer afterschool education and enrichment programs for nonresidential children.

Table 1 summarizes the three categories of laws that apply to culinary programs in private schools and RCCIs, when they apply, which foods and beverages they regulate, and whether they apply to selling or giving foods and beverages to students. These three categories 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.

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Table 1. Summary of laws that apply to culinary programs

Category	Law	Applies to	When applies
1: Nutrition standards for foods and beverages	☒ Federal ☐ State Smart Snacks Nutrition Standards (81 FR 50131)	☒ Selling ☐ Giving All foods and beverages available for sale to students on school premises, separately from reimbursable meals and ASP snacks through the CNPs (refer to “ Allowable Foods and Beverages ” in this document)	During the school day.
1: Nutrition standards for foods and beverages	☒ Federal ☐ State School Wellness Policy (Public Law 108-265) and the Healthy, Hunger-Free Kids Act (HHFKA) of 2010 Final Rule 81 FR 50151	☒ Selling ☒ Giving 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, on school premises (refer to “ USDA School Wellness Policy (SWP) Requirements ” in this document).	During the school day.

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Category	Law	Applies to	When applies
2: Restrictions for selling and giving foods and beverages to students	☐ Federal ☒ State Section 10-215b-1 of the Regulations of Connecticut State Agencies: Competitive foods (candy, coffee, tea, and soft drinks)	☒ Selling ☒ Giving 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 Smart Snacks nutrition standards supersede this timeframe because they apply during the school day.
3: Accrual of income from sales of foods and beverages to students	☐ Federal ☒ State Section 10-215b-23 of the Regulations of Connecticut State Agencies: Accrual of Income	☒ Selling ☐ Giving 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.

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Allowable Foods and Beverages

Allowable foods include commercial products and foods made from scratch that comply with the following Smart Snacks 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 Smart Snacks 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.



Allowable beverages belong to one of the five Smart Snacks beverage categories and meet the portion limits. The beverage categories include: 1) plain water, with or without carbonation; 2) low-fat and fat-free milk, unflavored or unflavored, including nutritionally equivalent milk alternatives permitted by the school meal requirements, e.g., soy milk; 3) 100 percent fruit or vegetable juice, with or without carbonation; 4) 100 percent fruit or vegetable juice diluted with water (no added sweeteners), with or without carbonation; and for high schools only, 5) low-calorie and no-calorie beverages, with or without caffeine and/or carbonation, including calorie free flavored water.

Low-calorie and no-calorie beverages (high schools only) must meet calorie limits. For beverages that include accompaniments (such as coffee with milk and sugar or tea with honey), the calories for the beverage and its accompaniments must be added together to determine if the serving complies with the Smart Snacks calorie limits. For example, if a serving of coffee includes 2 tablespoons of milk and 2 teaspoons of sugar, calculate the total calories per serving for the coffee, milk, and sugar; then compare the total calories with the applicable calorie limit.

All foods and beverages available for sale to students during the school day from culinary programs must always comply with Smart Snacks. For specific information on the Smart Snacks requirements, refer to the CSDE's [Summary of Smart Snacks Nutrition Standards](#) and visit the CSDE's [Smart Snacks Nutrition Standards](#) webpage.

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Commercial products

The CSDE's [List of Acceptable Foods and Beverages](#) webpage identifies commercial food products that comply with Smart Snacks. Schools may also use the Alliance for a Healthier Generation's [Smart Snacks Product Calculator](#) to assess food products for Smart Snacks compliance.

Foods made from scratch

Culinary programs must evaluate all foods made from scratch for Smart Snacks 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 Smart Snacks compliance, these foods require a standardized recipe that indicates the amount of each ingredient and the nutrition information per serving.

The required Smart Snacks 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) documentation indicating that the nutrition information for the standardized recipe's serving with its accompaniments complies with Smart Snacks.

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Steps for evaluating foods made from scratch

Culinary programs must complete the steps below to document that all foods made from scratch comply with Smart Snacks. 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 selling entity must conduct a nutrient analysis using a nutrient analysis software program, or a nutrient analysis database and the CSDE's [Connecticut Nutrition Standards \(CNS\) 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 the nutrition information per serving complies with Smart Snacks:** Compare the nutrition information for the standardized recipe's serving and its accompaniments with the required nutrition standards for the applicable Smart Snacks food category.
- 3. Maintain documentation of Smart Snacks compliance on file:** Maintain each standardized recipe with its documentation of Smart Snacks compliance for 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, 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 Connecticut Nutrition Standards webpage. **Note:** While these resources are intended for Healthy Food Certification (HFC) public schools that follow the CNS, the steps for evaluating foods also apply to Smart Snacks.

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Strategies to Ensure Compliance

Private schools and RCCIs are responsible for developing and implementing procedures to ensure that foods and beverages sold in culinary programs comply with the Smart Snacks requirements.

- The most common noncompliance issues for commercial products include: 1) not verifying that the food or beverage is listed on the CSDE's [List of Acceptable Foods and Beverages](#) webpage or reviewed using the Alliance for a Healthier Generation's [Smart Snacks Product Calculator](#); and 2) not checking deliveries to ensure that vendors do not substitute noncompliant products.
- The most common noncompliance issues for foods made from scratch include: 1) not having an accurate standardized recipe that provides the required nutrition information; and 2) not having documentation that the standardized recipe's serving with its accompaniments complies with Smart Snacks.

To prevent these noncompliance issues, culinary programs must implement the strategies below.

1. **Evaluate all commercial products before purchasing:** Before purchasing any commercial products, determine that they comply with Smart Snacks. Use the CSDE's [List of Acceptable Foods and Beverages](#) webpage or the Alliance for a Healthier Generation's [Smart Snacks Product Calculator](#) to verify that the food or beverage complies with Smart Snacks. Check that the product's information exactly matches the approved product on the CSDE's list, 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, add the nutrition information for the food and its accompaniments together to determine if the product still complies with Smart Snacks. Accompaniments that cause an approved product to exceed the Smart Snacks limits cannot be served with the product.

Commercial products that are not included on the CSDE's [List of Acceptable Foods and Beverages](#) webpage or not verified with the [Smart Snacks Product Calculator](#) cannot be sold to students during the school day. Schools may submit products to the CSDE for review using the steps in the CSDE's [Submitting Food and Beverage Products for Approval](#).

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2. **Review orders before submitting to vendors:** Review all orders to ensure all foods comply with Smart Snacks and all beverages comply with the state beverage statute and Smart Snacks (refer to strategy 1).
3. **Check deliveries when received:** Ordering compliant products 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.
4. **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 with the nutrition information per serving (including the nutrition information for any accompaniments served with the food); and 2) documentation indicating that the nutrition information for the standardized recipe's serving with its accompaniments complies with Smart Snacks. 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).

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 the Healthy, Hunger-Free Kids Act of 2010 ([Public Law 111-296](#)) 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.

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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. 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; 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, Smart Snacks may supersede Section 10-215b-1, or Section 10-215b-1 may supersede Smart Snacks. These requirements are summarized below.

- **Selling candy to all grades:** Smart Snacks prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling candy 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 ASP operates from 3:30 p.m. to 4:30 p.m., candy cannot be sold to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.

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- **Selling coffee, tea, and soft drinks in elementary and middle schools:** Smart Snacks prohibits sales of coffee, tea, and soft drinks to elementary and middle school students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling 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.
- **Selling coffee, tea, and soft drinks in high schools:** Smart Snacks allows sales of coffee, tea, and soft drinks to high school students during the school day, if these beverages comply with the calorie limits for the Smart Snacks category of low-calorie and no-calorie beverages and meet the portion limits. However, Section 10-215b-1 prohibits selling 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 7:30 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., coffee, tea, and soft drinks cannot be sold to high school students anywhere on school 6:30 a.m. to 8:00 a.m. or 11:00 a.m. to 1:30 p.m.

Culinary programs must evaluate coffee and tea for compliance with the Smart Snacks category of low-calorie and no-calorie beverages based on the amount served, including any added accompaniments such as milk, cream, sugar, and honey (refer to “[Allowable Foods and Beverages](#)” in this document). Examples include coffee with cream and sugar, and tea with milk and honey.



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- **Giving candy, coffee, tea, and soft drinks to all grades:** Smart Snacks does 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 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 from 10:30 a.m. to 1:30 p.m.

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 beverages that comply with Smart Snacks; student orders for foods and beverages from culinary programs; and sales of tickets, coupons, tokens, and similar items that students can exchange for foods and beverages in culinary programs. 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 culinary program's 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 [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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Resources

A Guide to Smart Snacks in School (USDA):

<https://www.fns.usda.gov/tn/guide-smart-snacks-school>

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>

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>

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 (81 FR 50131).

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

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

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

Private Schools and RCCIs (CSDE's Competitive Foods in Schools webpage):

https://portal.ct.gov/sde/nutrition/competitive-foods/documents#Private_Schools_RCCIs

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

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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/

Smart Snacks Product Calculator (Alliance for a Healthier Generation):

<https://foodplanner.healthiergeneration.org/>

Smart Snacks Nutrition Standards (CSDE webpage):

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

Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions (CSDE):

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

Summary of Smart Snacks Nutrition Standards (CSDE):

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

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For more information, visit the CSDE's [Competitive Foods in Schools](#) webpage and [Smart Snacks Nutrition Standards](#) webpage or contact the [school nutrition programs staff](#) 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/culinary_programs_requirements_private_rcci.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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