Ensuring District Compliance with Healthy Food Certification

Public school districts that choose to implement the healthy food option of Healthy Food Certification (HFC) under Section 10-215f of the Connecticut General Statutes (C.G.S.) must ensure that all competitive foods meet the required nutrition standards for foods and beverages. "Competitive foods" are all foods and beverages available for sale to students on school premises, separately from reimbursable meals served through the Child Nutrition Programs (CNPs). This document provides an overview of the HFC requirements and compliance strategies.

Contents

Allowable Foods and Beverages 2
Other Federal and State Requirements 3
Food and Beverage Exemptions 3
Sources of Competitive Foods 3
Strategies to Ensure Compliance 5
Resources 9



Ensuring District Compliance with Healthy Food Certification

Allowable Foods and Beverages

All foods available for sale to students separately from reimbursable meals, and all foods served in the U.S. Department of Agriculture's (USDA) Afterschool Snack Program (ASP) of the National School Lunch Program (NSLP), must comply with the Connecticut Nutrition Standards (CNS). The CNS applies to the amount of the food as served, including any added accompaniments such as butter, cream cheese, salad dressing, and condiments. Some examples of foods with accompaniments include bagels with cream cheese, french fries with ketchup, pancakes with syrup, tortilla chips with salsa, and chicken nuggets with dipping sauce.

Allowable foods 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 must meet the specific nutrition standards for the applicable CNS food category. For information on the CNS requirements, refer to the Connecticut State Department of Education's (CSDE) *Summary of Connecticut Nutrition Standards* and visit the CSDE's Connecticut Nutrition Standards webpage. Training is available in Module 3: Connecticut Nutrition Standards of the CSDE's *Complying with Healthy Food Certification* training program.

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 (Section 10-221q of the Connecticut General Statutes (C.G.S.)). Beverages available for sale to students on school premises during the school day must also comply with the USDA's Smart Snacks nutrition standards.

Allowable commercial products are indicated on the CSDE's List of Acceptable Foods and Beverages webpage, which includes brand-specific lists of foods that comply with the CNS and beverages that comply with the state beverage statute and Smart Snacks. For more information on commercial food products, refer to the CSDE's resource, *How to Evaluate Purchased Foods for Compliance with the Connecticut Nutrition Standards*.

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

Ensuring District Compliance with Healthy Food Certification

Other Federal and State Requirements

In addition to the state nutrition standards for foods and beverages, HFC public schools must also comply with the federal and state laws that restrict selling and giving foods and beverages to students and the accrual of income from sales of competitive foods. For detailed guidance on the state and federal laws for 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 CSDE's Healthy Food Certification webpage. Training is available in the CSDE's *Complying with Healthy Food Certification* training program.

Food and Beverage Exemptions

Foods that do not comply with the CNS and beverages that do not comply with the state beverage statute cannot be sold to students on school premises unless the local board of education or school governing authority (BOE) votes to allow exemptions and the sales meet the following exemption criteria of the state HFC and beverage statutes: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the foods and beverages are not sold from a vending machine or school store. For more information, refer to the CSDE's resource, *Exemptions for Foods and Beverages in Public Schools*.

Sources of Competitive Foods

Competitive foods may be available for sale to students from a variety of sources. Some common examples include school cafeterias (refer to the CSDE's *Requirements for Cafeteria A La Carte Foods and Beverages in HFC Public Schools*), culinary programs (refer to the CSDE's resource, *Requirements for Foods and Beverages in Culinary Programs in HFC Public Schools*), fundraisers (refer to the CSDE's resource, *Requirements for Food and Beverage Fundraisers in HFC Schools*), school stores (refer to the CSDE's resource, *Requirements for Foods and Beverages in School Stores in HFC Schools*), concession stands, and vending machines (refer to the CSDE's resource, *Requirements for Foods and Beverages in Vending Machines in HFC Schools*). Districts may have other sources of competitive foods such as:

- a la carte sales (foods sold separately from reimbursable meals) in any other Child Nutrition Programs, such as the Seamless Summer Option (SSO) of the National School Lunch Program (NSLP) and the Summer Food Service Program (SFSP) operated by the BOE on school premises;

- adult education programs operated by the BOE (if the food and beverage sales are under the control of the adult education program);
- afterschool programs and activities, e.g., enrichment programs, extracurricular classes, tutoring sessions, and student clubs;
- classroom parties and celebrations;
- clubs, organizations, and similar groups, e.g., booster clubs and parent-teacher organizations;
- family resource centers;
- programs and meetings;
- recipient schools under interschool agreements with a sponsoring NSLP district;
- school celebrations;
- sports competitions, e.g., games, matches, and tournaments;
- summer school programs (e.g., enrichment or exploratory) operated by the BOE;
- vendors on school premises, e.g., food service management companies (FSMCs), food trucks, caterers, and online and mobile food delivery companies; and other outside entities that sell foods and beverages to students; and
- any other programs, organizations, and activities that sell or give foods and beverages to students on school premises.

Districts are responsible for ensuring that all sources of competitive foods available for sale to students on school premises comply with the federal and state requirements.



Ensuring District Compliance with Healthy Food Certification

Strategies to Ensure Compliance

To receive HFC funding, districts must comply with the CNS and HFC requirements. Districts are responsible for ensuring that all sources of competitive foods available for sale to students on school premises comply with these requirements (refer to "Sources of Competitive Foods" in this document).

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. 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, districts must develop and implement procedures for competitive foods that include the strategies below.

1. **Clearly communicate what foods and beverages are allowed:** Notify all entities that sell foods and beverages to students on school premises what commercial products are allowed, based on the CSDE's List of Acceptable Foods and Beverages webpage, and specify that substitutions are not allowed. Examples of people to inform include food service directors and cafeteria staff, culinary programs staff, school store operators, vending machine operators, fundraiser operators, coordinators of school clubs and organizations, and staff from outside entities such as food service management companies and vendors. Provide clear instructions to vendors about allowable foods and beverages and indicate that substitutions are not allowed when an approved product is not available.

   Districts must have procedures in place to ensure that new school staff understand what foods and beverages are allowed. The CSDE recommends regular reinforcement of proper procedures through various communication channels, such as staff training, staff meetings, emails, written instructions, staff handbooks, the district's fundraiser approval form (refer to the CSDE's *Sample Fundraiser Form for Healthy Food Certification*), and the district's website.

2. **Evaluate all commercial products before purchasing:** Before purchasing any commercial products, determine that foods comply with the CNS and beverages comply with 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.

   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 visit "Commercial Products" in the "Evaluating Foods for CNS Compliance" section of the CSDE's CNS webpage.

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. 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. **Review orders before submitting to vendors:** For each source of competitive foods, designate the school staff responsible for reviewing orders to ensure that all foods and beverages are included on the CSDE's List of Acceptable Foods and Beverages webpage (refer to strategy 2). Examples include the food service manager who is responsible for reviewing the cafeteria snack orders and the district's fundraiser coordinator who is responsible for using the district's fundraiser approval form to review foods and beverages that will be sold from fundraisers (refer to strategy 8).

5. **Check deliveries when received:** Ordering products that are included on the CSDE's List of Acceptable Foods and Beverages webpage does not guarantee they will be delivered. For each source of competitive foods, designate the school staff responsible for checking deliveries to ensure that vendors do not substitute noncompliant products.

Examples include a food service employee who checks deliveries of snack foods (such as cookies, chips, and ice cream) for the cafeteria and school staff who check vending machines when they are stocked by an outside vending company (refer to strategy 9).

6. **Identify the steps for handling noncompliant products:** Ensure that all school staff involved with sales of competitive foods understand and follow the steps for handling deliveries of noncompliant foods and beverages. Refuse delivery of all noncompliant products and remind the vendor that substitutions are not allowed. Noncompliant products discovered after an order is delivered must be returned to the vendor.

7. **Evaluate all foods made from scratch before selling to students:** The district's procedures for sales of competitive foods must require prior approval for all competitive foods made from scratch. These foods cannot be sold to students unless the selling entity has the following documentation: 1) an accurate standardized recipe that indicates the calories, fat, saturated fat, sodium, and sugars per serving; 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. Maintain this documentation for all foods made from scratch for the annual HFC documentation (due 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.

> Foods made from scratch include two categories: 1) foods prepared from ingredients using a standardized recipe, such as baked goods like muffins and cookies, soups, fruit smoothies, and entrees like pizza, sandwiches, and spaghetti with meat sauce; and 2) commercial products with ingredients added after purchasing, such as 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. A standardized recipe and the completed CNS worksheet that documents CNS compliance must be on file for these foods. 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.

For more information on evaluating standardized recipes, 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 the "Foods Made from Scratch" section of

the CSDE's Connecticut Nutrition Standards webpage. The CNS worksheets are available in the "CNS Worksheets" section of the CSDE's Connecticut Nutrition Standards webpage. Training is available in Module 4: Evaluating Foods for CNS Compliance, of the CSDE's *Complying with Healthy Food Certification* training program.

8. **Develop and implement a fundraiser approval process:** Districts must implement a fundraiser approval process for reviewing fundraisers in advance to determine that they comply with one of the following allowable fundraiser procedures: a) the fundraiser sells compliant foods and beverages to students on school premises and does not occur while any CNPs are operating; b) the fundraiser meets the exemption criteria of the state HFC and beverage statutes and sells noncompliant foods and beverages to students at the location of an event held after the school day or on the weekend, that does not occur while any CNPs are operating (refer to the CSDE's resource, *Exemptions for Foods and Beverages in Public Schools*) or c) students take orders for noncompliant foods and beverages off school premises and bring the orders and money to school, but do not pick up the foods and beverages on school premises for delivery to customers.

   The CSDE's *Sample Fundraiser Form for Healthy Food Certification* provides guidance on developing a district fundraiser approval form. For detailed guidance on the fundraiser requirements, refer to the CSDE's resource, *Requirements for Food and Beverage Fundraisers in HFC Public Schools*, and Module 6: Fundraisers of the CSDE's Complying with Healthy Food Certification training program. For guidance on the state restrictions while CNPs are operating, refer to the CSDE's resource, *Overview of Connecticut's Competitive Foods Regulations*.

9. **Monitor vending machines operated by an outside vendor:** Districts are responsible for ensuring that all vending machines sell only compliant foods and beverages, regardless of who owns or operates them. The state HFC and beverage statutes prohibit exemptions for vending machines. Districts must prevent substitutions of noncompliant products by: a) clearly communicating to the vending company what foods and beverages are allowed (refer to strategy 1); b) including language in the vending contract that substitutions are not allowed and that the vending company must train their employees who stock the vending machines on this requirement; c) designating school staff to monitor vending machines when they are stocked (refer to strategy 5); and d) refusing delivery of noncompliant products (refer to strategy 6). Vending machines stocked with noncompliant products must be turned off immediately and cannot operate until the vending company removes these products. For detailed guidance on the requirements for vending machines, refer to the CSDE's resource *Requirements for Foods and Beverages in Vending Machines in HFC Public Schools*.

10. **Monitor compliance:** Develop local procedures for monitoring HFC compliance in all schools, including a process for reviewing and approving fundraisers (refer to strategy 8). The district's designated HFC contact person and other appropriate school staff play a key role in this process and must be supported by the district's administration. For information on the requirements for the HFC contact person, refer to the CSDE's resource, *Responsibilities of District Contact Person for Complying with Healthy Food Certification*.

11. **Maintain compliance documentation:** Before the school year begins, determine what methods and forms will be used to document HFC compliance. Examples of documentation include a locally developed database or list of acceptable foods and beverages, an inventory of items sold in district vending machines and school stores, a school log system to identify acceptable fundraising events, a description of the process used to ensure that all foods comply with the CNS and all beverages comply with the state beverage statute, and a handout or memo for applicable school staff communicating the district's procedures for evaluating HFC compliance at the school level. All districts must submit annual HFC documentation to the CSDE by November 30 of each year. Select districts must also submit lists of foods and beverages sold to students from all sources. The CSDE notifies these districts of this requirement in early fall. The annual documentation materials are available in the "Annual HFC Documentation" section of the CSDE's Healthy Food Certification webpage. For more information on the documentation requirements, refer to the CSDE's resource, *Guidance for Documenting Compliance with Healthy Food Certification*.

For additional guidance, refer to "Resources" below and visit the CSDE's Healthy Food Certification webpage. Training on these compliance strategies is available in Module 4: Evaluating Foods for CNS Compliance, of the CSDE's *Complying with Healthy Food Certification* training program.

Resources

Annual Healthy Food Certification Documentation (CSDE's Healthy Food Certification webpage):
https://portal.ct.gov/sde/nutrition/healthy-food-certification/documents

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

Connecticut Nutrition Standards (CSDE webpage):
https://portal.ct.gov/sde/nutrition/connecticut-nutrition-standards

Ensuring District Compliance with Healthy Food Certification

Culinary Programs ("Guidance and Resources" section of CSDE's HFC webpage):
https://portal.ct.gov/sde/nutrition/healthy-food-certification/guidance-and-resources#CulinaryPrograms

Districts Required to Submit Lists of Foods and Beverages for Healthy Food Certification Documentation (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/doc/districts_required_to_submit_lists_foods_beverages_hfc_documentation.pdf

Exemptions for Foods and Beverages in Public Schools (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/food_beverage_exemptions_public_schools.pdf

Fundraisers ("Guidance and Resources" section of CSDE's HFC webpage):
https://portal.ct.gov/sde/nutrition/healthy-food-certification/guidance-and-resources#Fundraisers

Guidance for Healthy Food Certification Documentation (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/doc/guidance_healthy_food_certification_documentation.pdf

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

Overview of Connecticut Competitive Foods Regulations (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/compfoods/overview_ct_competitive_foods_regulations.pdf

Ensuring District Compliance with Healthy Food Certification

Questions and Answers on Connecticut Statutes for School Foods and Beverages (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/questions_answers_connecticut_statutes_school_foods_beverages.pdf

Requirements for Cafeteria A La Carte Foods and Beverages in HFC Public Schools (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/cafeteria_requirements_hfc.pdf

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

Requirements for Food and Beverage Fundraisers in HFC Public Schools (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/fundraiser_requirements_hfc.pdf

Requirements for Foods and Beverages in Culinary Programs in HFC Public Schools (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/culinary_programs_requirements_hfc.pdf

Requirements for Foods and Beverages in School Stores in HFC Public Schools (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/school_store_requirements_hfc.pdf

Requirements for Foods and Beverages in Vending Machines in HFC Public Schools (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/vending_machine_requirements_hfc.pdf

Requirements for Selling Foods and Beverages in Adult Education Programs (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/adultedhfc.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

Responsibilities of District Contact Person for Healthy Food Certification (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/hfc_district_contact_responsibilities.pdf

Sample Fundraiser Form for HFC (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/sample_fundraiser_form_hfc.pdf

School Stores ("Guidance and Resources" section of CSDE's HFC webpage):
https://portal.ct.gov/sde/nutrition/healthy-food-certification/guidance-and-resources#SchoolStores

Submitting Food and Beverage Products for Approval (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/fblist/submitting_food_beverage_products.pdf

Ensuring District Compliance with Healthy Food Certification

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

Vending Machines ("Guidance and Resources" section of CSDE's HFC webpage): https://portal.ct.gov/sde/nutrition/healthy-food-certification/guidance-and-resources#VendingMachines

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/ensuring_district_compliance_hfc.pdf.

The Connecticut State Department of Education is committed to a policy of equal opportunity/affirmative action for all qualified persons. The Connecticut Department of Education does not discriminate in any employment practice, education program, or educational activity on the basis of race; color; religious creed; age; sex; pregnancy; sexual orientation; workplace hazards to reproductive systems, gender identity or expression; marital status; national origin; ancestry; retaliation for previously opposed discrimination or coercion, intellectual disability; genetic information; learning disability; physical disability (including, but not limited to, blindness); mental disability (past/present history thereof); military or veteran status; status as a victim of domestic violence; or criminal record in state employment, unless there is a bona fide occupational qualification excluding persons in any of the aforementioned protected classes. Inquiries regarding the Connecticut State Department of Education's nondiscrimination policies should be directed to: Attorney Louis Todisco, Connecticut State Department of Education, by mail 450 Columbus Boulevard, Hartford, CT 06103-1841; or by telephone 860-713-6594; or by email louis.todisco@ct.gov.

CONNECTICUT
Education