Exemptions for Foods and Beverages in Public Schools

This document summarizes the requirements for allowing food exemptions under Section 10-215f of the Connecticut General Statutes (C.G.S.) and allowing beverage exemptions under C.G.S. Section 10-221q. It also provides the required motion language for the BOE votes to allow food exemptions and beverage exemptions.

Contents

Overview of Healthy Food Certification (HFC) and State Beverage Statute 2
Annual HFC Requirements 2
Required HFC Motion Language 3
Food Exemptions 4
- Criteria for food exemptions 4
- Required motion language for food exemptions 5

Beverages 5
- Criteria for beverage exemptions 6
- Motion language for beverage exemptions 7

Option to Combine Food and Beverage Exemptions 7
Resources 8

Exemptions for Foods and Beverages in Public Schools

Overview of Healthy Food Certification (HFC) and State Beverage Statute

Healthy Food Certification (HFC) under C.G.S. Section 10-215f requires that each local board of education or governing authority (BOE) for all public schools participating in the National School Lunch Program (NSLP) must certify annually to the Connecticut State Department of Education (CSDE) whether the district will follow the Connecticut Nutrition Standards (CNS) for all foods sold to students separately from reimbursable school meals. The CNS also applies to all foods offered in reimbursable snacks for the Afterschool Snack Program (ASP) of the NSLP.

The state beverage statute (C.G.S. Section 10-221q) requires restrictions for all beverages available for sale to students in public schools, including beverages sold as part of and separately from reimbursable school meals. For more information, refer to the CSDE's resource, *Allowable Beverages for Connecticut Public Schools*, and visit the CSDE's Beverage Requirements webpage.

> Foods and beverages that do not comply with the CNS and C.G.S. Section 10-221q cannot be sold to students on school premises unless the BOE votes to allow exemptions and the sales meet the specific exemption criteria.

Annual HFC Requirements

Each public school sponsor of the NSLP must complete their annual HFC Statement (Addendum to Agreement for Child Nutrition Programs (ED-099)) by July 1 of each year. The HFC Statement is completed online in the CSDE's Online Application and Claiming System for Child Nutrition Programs (CNP System), as part of the sponsor's application module for participation in the U.S. Department of Agriculture's (USDA) Child Nutrition Programs.

The final BOE-approved meeting minutes must be uploaded with the submission of the annual HFC Statement and must indicate the results of the BOE votes for whether the district will:

- adopt the healthy food option under HFC;
- allow food exemptions to the healthy food option under HFC (if the district votes to implement the healthy food option); and

- allow beverage exemptions under C.G.S. Section 10-221q (if the district chooses to allow beverage exemptions).

For detailed guidance on the HFC requirements, refer to the Connecticut State Department of Education's (CSDE) 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. For information on the CNS requirements, refer to the CSDE's *Summary of Connecticut Nutrition Standards* and visit the CSDE's Connecticut Nutrition Standards webpage. Training on the requirements for HFC public schools is available in the CSDE's *Complying with Healthy Food Certification* training program.

Required HFC Motion Language

The language in the final BOE-approved meeting minutes must reflect the specific criteria required by C.G.S. Section 10-215f for participating in the healthy food option of HFC and allowing food exemptions. For detailed guidance on the current year's HFC application process, refer to the CSDE's annual Operational Memorandum regarding the annual process for submitting the healthy food certification (HFC) statement. For additional information on the HFC application process, visit the "Annual HFC Application" section of the CSDE's HFC webpage.

If the district chooses to allow beverage exemptions, the CSDE recommends that the BOE conducts the vote on beverage exemptions at the same time as the HFC votes. The language in the final BOE-approved meeting minutes must reflect the specific criteria for beverage exemptions required by C.G.S. Section 10-221q. For more information, refer to "Beverages" in this document.

> Schedule the HFC votes at a BOE meeting that occurs **before April 30**, so the district can submit the *final BOE approved meeting minutes* to the CSDE by the **July 1** deadline. The CSDE cannot accept *draft* meeting minutes to approve the HFC application. Districts must schedule the initial BOE meeting early enough to enable timely submission of the final BOE-approved meeting minutes.

Exemptions for Foods and Beverages in Public Schools

Food Exemptions

HFC requires each BOE for all public schools participating in the NSLP to certify annually (by July 1) to the CSDE whether they will follow the CNS for all foods sold to students separately from reimbursable meals in the USDA's school nutrition programs. The CNS applies to all competitive foods available for sale to students on school premises at all times and from all sources, including cafeterias, school stores, vending machines, fundraisers, culinary programs, and any other sources of food sales to students; and also applies to foods offered in reimbursable ASP snacks. As part of the annual HFC Statement, districts must vote on whether they will or will not allow food exemptions.

Criteria for food exemptions

Foods that do not comply with the CNS cannot be sold to students on school premises unless the BOE votes to allow food exemptions and the following criteria are met: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the foods are not sold from a vending machine or school store.

- An "event" is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. For example, soccer games, school plays, and school debates are events, but soccer practices, play rehearsals, and debate team meetings are not.

- 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.

- "Location" means where the event is being held and must be the same place as the food sales. For example, foods can be sold on the side of the soccer field during a soccer game, but not in the school cafeteria while a game is played on the soccer field.

Districts may choose to exempt all foods that do not comply with the CNS or may choose to exempt only certain foods or categories of foods. For example, a district could choose to exempt chips and cookies, but not candy. Districts may also choose to exempt all events or only certain events. For example, a district could choose to allow sales of exempted foods only at sports games, concerts, and theatre productions. If the district exempts only specific events and foods,

the final BOE-approved meeting minutes for the food exemption vote must list the specific exempted events and foods.

If the BOE chooses to make food exemptions part of the district's school wellness policy, these exemptions remain in effect until the BOE changes or rescinds the policy. However, as required by C.G.S. Section 10-215f, the BOE must still vote annually on whether the district will comply with the healthy food option of HFC (i.e., follow the CNS) and whether the district will allow food exemptions under HFC. These votes are required as part of the annual HFC Statement.

Required motion language for food exemptions

The BOE motion and final BOE-approved meeting minutes must include the following specific criteria for the food exemptions required by C.G.S. Section 10-215f:

> The [insert name of BOE] will allow the sale to students of food items that do not meet the Connecticut Nutrition Standards provided that the following conditions are met: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the food items are not sold from a vending machine or school store. An "event" is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. For example, soccer games, school plays, and interscholastic debates are events but soccer practices, play rehearsals, and debate team meetings are not. The "regular school day" is the period from midnight before to 30 minutes after the end of the official school day. "Location" means where the event is being held and must be the same place as the food sales.

Districts may choose to make this language specific to certain events and foods by listing the specific events and foods that will be exempted.

Beverages

The state beverage requirements of C.G.S. Section 10-221q apply to all public schools, regardless of whether the district certifies for the healthy food option of HFC or participates in the USDA's Child Nutrition Programs. C.G.S. Section 10-221q allows only five categories of beverages for sale to students in public schools. For information on allowable beverages, refer to the CSDE's resource, *Allowable Beverages in Connecticut Public Schools*.

C.G.S. Section 10-221q applies to all beverages sold as part of school meals and separately from school meals anywhere on school premises, including cafeterias, school stores, vending machines, fundraisers, culinary programs, and any other sources of beverage sales to students.

Exemptions for Foods and Beverages in Public Schools

Districts may choose whether they will or will not allow beverage exemptions. Districts that do not have a beverage exemption in place can never sell beverages that do not comply with the requirements of C.G.S. Section 10-221q.

Beverage exemptions are not part of the annual HFC Statement, which applies only to food sales. If the district chooses to allow beverage exemptions, the CSDE recommends that the BOE conducts the vote on beverage exemptions at the same time as the votes on HFC participation and food exemptions.

Criteria for beverage exemptions

Beverages that do not meet the requirements of C.G.S. Section 10-221q cannot be sold to students on school premises unless the BOE votes to allow beverage exemptions and the following criteria are met: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the beverages are not sold from a vending machine or school store.

- An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. For example, soccer games, school plays, and school debates are events, but soccer practices, play rehearsals, and debate team meetings are not.

- 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.

- “Location” means where the event is being held and must be the same place as the beverage sales. For example, beverages can be sold on the side of the soccer field during a soccer game, but not in the school cafeteria while a game is played on the soccer field.

Districts may choose to exempt all beverages that do not comply with the requirements of C.G.S. Section 10-221q or may choose to exempt only certain beverages or categories of beverages. For example, a district could choose to exempt lemonade and sports drinks, but not soda, coffee, and energy drinks. Districts may also choose to exempt all events or only certain events. For example, a district could choose to allow sales of exempted beverages only at sports games, concerts, and theatre productions.

If the district exempts only specific events and beverages, the final BOE-approved meeting minutes for the beverage exemption vote must list the specific exempted events and beverages. If the BOE chooses to make beverage exemptions part of the district's school wellness policy, the beverage exemptions remain in effect until the BOE changes or rescinds the policy.

Motion language for beverage exemptions

The BOE motion and final BOE-approved meeting minutes must include the following specific criteria for the food exemptions required by C.G.S. Section 10-221q:

> **Beverage exemptions:** The [insert name of BOE] will allow the sale to students of beverages not listed in Section 10-221q of the Connecticut General Statutes provided that the following conditions are met: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the beverages are not sold from a vending machine or school store. An "event" is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. The "school day" is the period from midnight before to 30 minutes after the end of the official school day. "Location" means where the event is being held and must be the same place as the beverage sales.

Districts may choose to make this language specific to certain events and beverages by listing the specific events and beverages that will be exempted.

Option to Combine Food and Beverage Exemptions

Instead of two separate food and beverage motions, the district may choose to combine food and beverage exemptions in one motion by using the language below.

> **Food and beverage exemptions:** The [insert name of BOE] will allow the sale to students of food items that do not meet the Connecticut Nutrition Standards and beverages not listed in Section 10-221q of the Connecticut General Statutes provided that the following conditions are met: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the food and beverage items are not sold from a vending machine or school store. An "event" is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. For example, soccer games, school plays, and interscholastic debates are events but soccer practices, play rehearsals, and debate team meetings are not. The "regular school day" is the period from midnight before to 30 minutes after the end of the official school day. "Location"

means where the event is being held and must be the same place as the food and beverage sales.

Districts may choose to make this language specific to certain events, foods, and beverages by listing the specific events, foods, and beverages that will be exempted.

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

Completing the Application Process for Healthy Food Certification Video (CSDE Training Module):
https://portal.ct.gov/sde/nutrition/healthy-food-certification/annual-hfc-application #HFC_Application_Training_Module

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

CSDE Operational Memorandum for Submitting the Annual HFC Statement :
https://portal.ct.gov/sde/nutrition/healthy-food-certification/apply #OM_Submitting_HFC_Statement

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

Healthy Food Certification Application (CSDE webpage):
https://portal.ct.gov/sde/nutrition/healthy-food-certification/apply

List of Acceptable Foods and Beverages (CSDE webpage):
https://portal.ct.gov/sde/nutrition/list-of-acceptable-foods-and-beverages

Exemptions for Foods and Beverages in Public Schools

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 Beverages Containing Water and Juice (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/compfoods/requirements_water_juice_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

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

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

Summary Chart of Federal and State Requirements for Competitive Foods in Non-HFC Public Schools (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/compfoods/summary_chart_requirements_competitive_foods_nonhfc.pdf

Summary of Connecticut Nutrition Standards (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/cns/connecticut_nutrition_standards_summary.pdf

Exemptions for Foods and Beverages in Public Schools

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/food_beverage_exemptions_public_schools.pdf.

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