Requirements for Food and Beverage Fundraisers in Private Schools and Residential Child Care Institutions

This document summarizes the federal and state federal and state for foods and beverages sold and given to students from fundraisers 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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Definition of Fundraisers

Fundraisers are any activities during which money or its equivalent (such as tickets, coupons, tokens, and similar items) is exchanged for the purchase of a product in support of the school or school-related activities. This includes any activities that suggest a student donation in exchange for foods and beverages, since funds may be raised as a result. Examples of food and beverage fundraisers include sales of commercial products (such as potato chips and other snack foods, candy bars, cookies, muffins, frozen cookie dough, pies, water, and soft drinks); and sales of foods and beverages made from scratch (such as baked goods, popcorn, sandwiches, smoothies, coffee, and hot chocolate).

The Connecticut State Department of Education (CSDE) strongly encourages private schools and RCCIs to promote consistent health messages to students by selling healthy foods or conducting nonfood fundraisers. Suggestions for fundraising with nonfood items and activities are available in the CSDE's resource, *Healthy Fundraising*.

Overview of Federal and State Laws

All foods and beverages available for sale to students separately from reimbursable meals on school premises during the school day must comply with the USDA's Smart Snacks nutrition standards. In addition to the nutrition standards for foods and beverages, school cafeterias must also comply with the federal and state laws for:

- **restrictions for selling and giving foods and beverages to students**, including the state 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 policy, as required by the USDA final rule, *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHFKA of 2010*; and

- **accrual of income from selling foods and beverages to students**, 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.

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The definitions below apply to these requirements.

- "Sales" means the exchange of a determined amount of money or its equivalent (such as tickets, coupons, tokens, and similar items) for foods and beverages. Sales also include programs and activities that charge a fee that includes the cost of foods and beverages provided to students, and activities that suggest a student donation in exchange for foods and beverages. Under Connecticut's statutes and regulations for competitive foods, sales also include tickets and similar items that are given to students (such as food rewards) and can be exchanged for foods and beverages. 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.

For guidance on how the federal and state laws apply to different sources of competitive foods in private schools and RCCIs, refer to the CSDE's resources, *Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions* and *Summary Chart of 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.



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When the Laws Apply

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

Some requirements apply during the school day, while others apply at all times or while Child Nutrition Programs (CNPs) are operating.

- The "school day" is the period from the midnight before to 30 minutes after the end of the official school day. For example, if school ends at 3:00 p.m., the school day is from midnight to 3:30 p.m. Summer school programs operated by the BOE on school premises are part of the regular school day.

- The CNPs include the NSLP, School Breakfast Program (SBP), ASP of the NSLP, Seamless Summer Option (SSO) of the NSLP, Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), Child and Adult Care Food Program (CACFP) At-risk Afterschool Meals operated in schools, and Summer Food Service Program (SFSP) operated in schools. **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.

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

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Category 1: Nutrition standards for foods and beverages

Category 1 Laws	Applies to	When applies
Federal Law: Smart Snacks Nutrition Standards USDA final rule, National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHFKA of 2010	**Selling foods and beverages:** All foods and beverages available for sale to students on school premises, separately from reimbursable meals and ASP snacks through the CNPs. **Note:** Effective June 8, 2026, the Smart Snacks beverage standards for milk were updated by the USDA final rule, Expanding Fluid Milk Options in Child Nutrition Programs, to allow unflavored and flavored whole and reduced-fat (2%) milk in addition to the previously allowed low-fat (1%) and fat-free milk. Flavored milk cannot exceed 1.25 grams of added sugars per fluid ounce.	During the school day.
Federal Law: Fluid Milk Options USDA final rule, Expanding Fluid Milk Options in Child Nutrition Programs	**Selling milk:** All milk available for sale to students on school premises as part of reimbursable meals and ASP snacks through the CNPs. Also applies to the USDA Smart Snacks Nutrition Standards for milk sold as competitive foods (separately from reimbursable meals and ASP snacks) during the school day.	During the CNPs and the school day.

Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs

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

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

Category 2 Laws	Applies to	When applies
State Law: Candy, Coffee, Tea, and Soft Drinks Section 10-215b-1 of the Regulations of Connecticut State Agencies: Competitive foods	Selling and giving certain foods and beverages: Selling and giving candy, coffee, tea, and soft drinks to students on school premises while any CNPs are operating (refer to "Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks" in this document).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. **Note:** The Smart Snacks nutrition standards supersede this timeframe for candy because they apply during the school day. The state beverage statute supersedes this timeframe for coffee, tea, and soft drinks because it applies at all times, not just while CNPs are operating.

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

Category 3 Laws	Applies to	When applies
State Law: Income Accrual Section 10-215b-23 of the Regulations of Connecticut State Agencies: Income from the sale of food items	**Selling foods and beverages:** Accrual of income from all sales of foods and beverages to students on school premises while any CNPs are operating (refer to "Section 10-215b-23: Accrual of income" in this document).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.

Allowable Foods

Foods available for sale to students from fundraisers during the school day must always comply with Smart Snacks. Allowable foods include commercial products and foods made from scratch that meet the following Smart Snacks requirements:

- the food must meet at least one general standard; and
- 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.

For specific information on the Smart Snacks requirements for foods, refer to the CSDE's resource, *Summary of Smart Snacks Nutrition Standards*, and visit the CSDE's Smart Snacks Nutrition Standards webpage.

Commercial food 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 commercial food products for compliance with Smart Snacks.

Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs

Foods made from scratch

The selling entity 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.

Steps for evaluating foods made from scratch

Culinary programs must complete the steps below to document that a la carte 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 Worksheet 9: Nutrient Analysis of Recipes*. For guidance on developing and using standardized recipes, visit the "Standardized Recipes" section of the CSDE's Crediting Documentation for the Child Nutrition Programs webpage.

2. **Verify that the nutrition information per serving complies with 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 on records retention, refer to the CSDE's resource, *Records Retention Requirements for the School Nutrition Programs*.

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

Note: These resources are intended for public schools that follow the Connecticut Nutrition Standards (CNS) under the state Healthy Food Certification (HCF) statute for public schools. However, the general steps for evaluating if a standardized recipe complies with specific nutrition standards are the same. Private schools and RCCIs may use these resources as a guide, substituting the Smart Snacks' requirements for the CNS.

Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs

Allowable Beverages

Beverages available for sale to students from vending machines during the school day must comply with Smart Snacks. Allowable beverages belong to one of the five Smart Snacks beverage categories and meet the portion limits. The beverage categories include:

- plain water, with or without carbonation;
- low-fat and fat-free milk, unflavored or unflavored, including nutritionally equivalent milk alternatives permitted by the school meal requirements, e.g., soy milk;
- 100 percent fruit or vegetable juice, with or without carbonation;
- 100 percent fruit or vegetable juice diluted with water (no added sweeteners), with or without carbonation; and
- *for high schools only*, low-calorie and no-calorie beverages, with or without caffeine and/or carbonation, including calorie free flavored water.

For specific information on the Smart Snacks beverage requirements, refer to the CSDE's resource, *Summary of Smart Snacks Nutrition Standards*, and visit the CSDE's Smart Snacks Nutrition Standards webpage.

Low-calorie and no-calorie beverages allowed for high schools only

Low-calorie and no-calorie beverages are allowed for high schools only and must meet specific calorie limits. Beverages like coffee and tea that include accompaniments (such as milk, sugar, and honey) must be evaluated for compliance with the Smart Snacks calorie limit for the appropriate beverage category based on the calories for each accompaniment in the serving. Some examples include coffee with cream and sugar, and tea with milk and honey.

To determine Smart Snacks compliance, the fundraiser operator must add the calories for the beverage and its accompaniments together. 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 Smart Snacks calorie limit for the applicable beverage category.

Commercial beverage products

The CSDE's List of Acceptable Foods and Beverages webpage identifies commercial beverage products that comply with Smart Snacks. Schools may also use the Alliance for a Healthier Generation's Smart Snacks Product Calculator to assess commercial beverage products for compliance with 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 from fundraisers 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, selling entities 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 resource, *Submitting Food and Beverage Products for Approval*.

2. **Review orders before submitting to vendors:** Review all cafeteria 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 selling entity 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 this Act strengthened the SWP law by adding requirements for public participation, transparency, and implementation. These requirements were effective August 29, 2016, under USDA' s final rule, *Local School Wellness Policy Implementation Under the HHFKA of 2010*.

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

Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs

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 (including purchases of frozen or uncooked products, e.g., frozen pies and cookie dough, and bulk products that contain multiple servings per package, e.g., candy bars and bags of gourmet coffee beans); and distribution of foods and beverages to students. Sections 10-215b-1 and 10-215b-23 apply regardless of when students will receive or consume the foods and beverages.

Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks

Section 10-215b-1 of the state competitive foods regulations prohibits selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs.

- “Candy” includes all types of regular and sugar-free varieties, such as chocolates; candy bars; chocolate-covered nuts and fruits; hard candies and lollipops; chewy candies like caramels, taffy, and licorice; jelly candies like gumdrops, gummies, and jelly beans; and breath mints.

- “Coffee” and “tea” include all types, e.g., regular, decaffeinated, herbal and iced.

- “Soft drinks” include all beverages (with or without carbonation) that contain water and/or juice and added sweeteners (including nutritive sweeteners, nonnutritive sweeteners, and sugar alcohols) and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples include soda (regular and diet), sports drinks (regular, low-calorie, and zero calorie), sweetened beverages (with or without carbonation) that are not 100 percent juice (such as lemonade and fruit punch drinks), and flavored water with added sweeteners.

Depending on when CNPs operate, Smart Snacks and the state beverage statute may supersede Section 10-215b-1, or Section 10-215b-1 may supersede Smart Snacks and the state beverage statute. These requirements are summarized below.

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- **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.
    - **Example:** 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.
- **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.
    - **Example:** The ASP operates from 3:30 p.m. to 4:30 p.m. Coffee, tea, and soft drinks 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 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 (refer to "Low-calorie and no-calorie beverages allowed for high schools only" in this document). 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.
    - **Example:** 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 premises from 6:30 a.m. to 8:00 a.m. or 11:00 a.m. to 1:30 p.m.

> The fundraiser operator 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. Examples include coffee with cream and sugar, and tea with milk and honey.

- **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.
    - **Example:** The SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m. Fundraisers cannot give candy, coffee, tea, and soft drinks to students anywhere on school premises from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. Some examples include fundraisers that give students tickets, coupons, tokens, or similar items that can be exchanged for candy, coffee, tea, and soft drinks; fundraisers that distribute fundraiser orders of candy, coffee, tea, and soft drinks to students; and fundraisers that give candy, coffee, tea, and soft drinks to students in exchange for a suggested donation.

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The CSDE strongly encourages schools to promote consistent health messages to students by eliminating candy, coffee, tea, and soft drinks on school premises; even when allowed by federal and state laws. For more information, refer to the CSDE's resource, *Healthy Fundraising*.

Section 10-215b-23: Accrual of income

Section 10-215b-23 of the state competitive foods regulations requires that the gross income from all foods and beverages sold to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs must accrue to the nonprofit school food service account (NSFSA). The NSFSA is the restricted revenue account used only for the operation or improvement of the nonprofit school food service.

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

- **Example:** The SBP operates from 7:00 a.m. to 8:00 a.m., the NSLP operates from 11:30 a.m. to 1:00 p.m., and the ASP operates from 3:30 p.m. to 4:30 p.m. The NSFSA must receive the fundraiser'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 resources, *Overview of Connecticut's Competitive Foods Regulations* and Operational Memorandum No. 1-18: *Accrual of Income from Sales of Competitive Foods in Schools*.

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Complying with the Fundraiser Requirements

The guidance below indicates how the federal and state laws for competitive foods apply to different types of fundraisers in private schools and RCCIs.

Sales to adults

The federal and state laws for competitive foods apply only to students. Fundraisers may sell noncompliant foods and beverages to adults (such as school staff and parents) at any time, either on or off school premises.

Bake sales

Smart Snacks and the state laws for competitive foods do not apply to bake sales that only sell foods to school staff and parents (refer to "Sales to adults" in this document) or to bake sales held off school premises (refer to "Fundraisers off school premises" in this document). However, these laws apply to bake sales that sell foods to students on school premises.

- **Compliant foods:** Bake sales held during the school day on school premises may sell compliant foods to students (refer to "Compliant foods and beverages" in this document) if the sales comply with C.G.S. Section 10-221p (refer to "State Statute Requiring Nutritious and Low-fat Foods" in this document) and the state competitive foods regulations (refer to "State Competitive Foods Regulations" in this document). The example below shows how these laws apply to sales of compliant foods.
    - **Example:** A bake sale on school premises during the school day sells muffins and cookies that are included on the CSDE's List of Acceptable Foods and Beverages webpage. This bake sale must also sell low-fat dairy foods and fresh or dried fruit unless these foods are sold elsewhere on school premises at the same time. If this bake sale occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, Section 10-215b-23 of the state competitive foods regulations requires that the bake sale's income during this time must accrue to the NSFSA. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., the NSFSA must receive the bake sale's income from all foods and beverages sold to students from 11:00 a.m. to 1:30 p.m.

- **Noncompliant foods:** Bake sales cannot sell noncompliant foods to students until after the school day. If the bake sale occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions (refer to "State Competitive Foods Regulations" in this document). Section 10-215b-1 prohibits sales of candy, coffee, tea, and soft drinks to students on school premises during this time. Section 10-215b-23 requires that the bake sale's income from all foods and beverages sold to students during this time must accrue to the NSFSA.

Candy

Candy includes all types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, hard candies, jelly candies (e.g., gumdrops and gummies), and breath mints. Candy does not comply with Smart Snacks and cannot be sold to students on school premises during the school day.

In addition, Section 10-215b-1 of the state competitive foods regulations prohibits selling and giving 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 (refer to "Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks" in this document).

The LEA's school wellness policy may have other local requirements for selling and giving candy to students on school premises (refer to "USDA School Wellness Policy (SWP) Requirements" in this document).

> The CSDE strongly encourages private schools and RCCIs to promote consistent health messages to students by eliminating candy on school premises, even when allowed by federal and state laws.

Compliant foods and beverages

Compliant foods and beverages are those that meet the requirements of the Smart Snacks nutrition standards (refer to "Allowable Foods and Beverages" in this document). Fundraisers on school premises may sell compliant foods and beverages to students at any time, if the sales comply with Section 10-215b-23 of the state competitive foods regulations (refer to "Section 10-215b-23: Accrual of income" in this document).

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Fundraiser catalogs and orders

Smart Snacks does not apply to foods and beverages sold off school premises through fundraising catalogs, fliers, and similar promotions; or to foods intended for consumption at home, such as frozen cookie dough and boxes of Girl Scout cookies. Foods purchased through a fundraiser may be delivered on school premises during the school day if the foods being sold comply with Smart Snacks or are not intended to be consumed on school premises during the school day (refer to "Timing of Distribution and Consumption" in this document). However, the USDA encourages organizations to deliver the food items at a time when parents and caregivers are more likely to be present to collect them, for example, during specific drop-off or pick-up times.

Connecticut's regulations for competitive foods supersede Smart Snacks because they apply whenever students exchange money for foods and beverages on school premises. This includes orders and distribution of foods and beverages from fundraising catalogs, fliers, and similar promotions on school premises.

If the fundraiser orders or distribution occur on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions. Section 10-215b-1 prohibits candy, coffee, tea, and soft drinks from being sold to, ordered by, or distributed to students on school premises during this time, including sales, orders, and distribution orders at events. Section 10-215b-23 requires that the fundraiser's income from all food and beverage orders sold to students during this time must accrue to the NSFSA. The example below shows how Section 10-215b-23 applies to fundraiser orders.

- **Example:** The At-risk Afterschool Meals program serves supper on school premises from 4:30 p.m. to 6:00 p.m. A fundraiser takes orders for foods and beverages on the side of the soccer field at a soccer game (exempted event) during the same time (after the school day). Students cannot order candy, coffee, tea, or soft drinks from 4:00 p.m. to 6:30 p.m. The NSFSA must receive the fundraiser's income from all foods and beverages ordered by (sold to) students during these times.

For additional guidance, refer to "State Competitive Foods Regulations" in this document.

Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs

Fundraisers off school premises

Smart Snacks and Connecticut's regulations for competitive foods do not apply to fundraising activities that take place off school premises, such as bake sales held at a supermarket or candy bar sales held at a town community center. However, the state competitive foods regulations apply when students sell foods and beverages off school premises, deliver fundraiser orders and money to school, and pick up the foods and beverages at school for delivery to customers (refer to "Fundraiser catalogs and orders" in this document).

Gift cards and entertainment books

Smart Snacks applies when students purchase gift cards and similar items that can be exchanged for foods and beverages on school premises during the school day. Smart Snacks does not apply to gift cards, entertainment books, and similar items that students can exchange for foods and beverages off school premises or after the school day. Examples include gift cards and entertainment books with coupons that are redeemable off school premises at businesses selling foods and beverages, e.g., restaurants, convenience stores, fast food chains, and local dining establishments.

However, Connecticut's competitive foods regulations supersede Smart Snacks because they apply to gift cards and similar items sold to or ordered by students on school premises, regardless of where or when students can obtain the foods and beverages. This includes gift cards and similar items that can be exchanged for foods and beverages off school premises, such as gift cards for restaurants, convenience stores, fast food chains, and local dining establishments; but excludes supermarket gift cards. Section 10-215b-1 prohibits selling (ordering) and distributing gift cards and similar items for 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. Section 10-215b-23 requires that the fundraiser's income from all food and beverage gift cards sold to students during this time must accrue to the NSFSA.

Gum

The Federal Food, Drug, and Cosmetic Act defines gum as a food. Regular chewing gum does not comply with Smart Snacks and cannot be sold to students on school premises during the school day. Sugar-free chewing gum is exempt from Smart Snacks and may be sold to students on school premises during the school day if the sales comply with C.G.S. Section 10-221p (refer to "State Statute Requiring Nutritious and Low-fat Foods" in this document) and Section 10-215b-23 of the state competitive foods regulations (refer to "Section 10-215b-23: Accrual of income" in this document).

Noncompliant foods and beverages

Noncompliant foods and beverages may be sold to adults (such as school staff and parents) at any time (refer to "Sales to adults" in this document).

Noncompliant foods and beverages cannot be sold to students during the school day but may be sold after the school day. If the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions, regardless of when the foods and beverages will be received or consumed. Section 10-215b-1 prohibits selling candy, coffee, tea, and soft drinks to students during this time. Section 10-215b-23 requires that the fundraiser's income from all foods and beverages sold to students during this time must accrue to the NSFSA. These requirements also apply to student orders for noncompliant foods and beverages, and distribution of noncompliant foods and beverages to students (refer to "Timing of Distribution and Consumption" in this document).

Nonfood fundraisers

The federal and state laws for competitive foods do not apply to fundraisers that sell nonfood items. Any requirements for sales of nonfood items to students are locally determined by the LEA. The CSDE strongly encourages schools to promote consistent health messages to students by conducting nonfood fundraisers. The CSDE's resource, *Healthy Fundraising*, provides suggestions for fundraising with nonfood items and activities.

Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs

Suggested donations for foods and beverages

Suggesting a student donation in exchange for foods and beverages is the same as selling foods and beverages to students. Some examples include fundraisers that offer students a "free" cookie for donating to a charity, school organization, or similar entity; and fundraisers that offer "free" candy to the classroom that donates the most money to a charity.

- **Compliant foods and beverages:** Fundraisers could give compliant foods and beverages to students in exchange for a suggested donation at any time. However, if the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, Section 10-215b-23 of the state competitive foods regulations requires that the fundraiser's income from all student donations for foods and beverages during this time must accrue to the NSFSA (refer to "Section 10-215b-23: Accrual of income" in this document). The example below shows how Section 10-215b-1 applies to fundraisers.
    - **Example:** The NSLP operates from 11:30 a.m. to 1:00 p.m. A fundraiser on school premises during the school day offers students a compliant cookie for donating money to a charity. The NSFSA must receive the fundraiser's income from all student donations offered in exchange for cookies from 11:00 a.m. to 1:30 p.m. **Note:** This cookie must comply with Smart Snacks because the sale (i.e., suggested donation) occurs during the school day.
- **Noncompliant foods and beverages:** Fundraisers on school premises cannot give noncompliant foods and beverages to students in exchange for a suggested donation during the school day. Noncompliant foods and beverages could be given to students in exchange for a suggested donation after the school day. However, if the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions. Section 10-215b-1 prohibits fundraisers from giving candy, coffee, tea, and soft drinks to students in exchange for a donation during this time. Section 10-215b-23 requires that the fundraiser's income from all student donations for foods and beverages during this time must accrue to the NSFSA.

For additional guidance, refer to "State Competitive Foods Regulations" in this document.

Tickets, coupons, and tokens

Smart Snacks applies when students purchase tickets, coupons, tokens, and similar items that can be exchanged for foods and beverages on school premises during the school day. For example, if a student club sells tickets that students can exchange for ice cream on school premises during the school day, the ice cream must comply with Smart Snacks. Smart Snacks does not apply to tickets and similar items that are given to students free of any charge or contribution, such as food rewards.

If the fundraiser occurs while any CNPs are operating, Connecticut's competitive foods regulations supersede Smart Snacks because they apply to all foods and beverages that students can obtain by exchanging tickets, coupons, tokens, and similar items. These requirements apply regardless of 1) whether the tickets and similar items are purchased by students or given to students at no charge (such as coupons for food rewards); and 2) when students will receive or consume the foods and beverages (refer to "Timing of Distribution and Consumption" in this document). The example below shows how the state regulations apply to tickets and similar items.

- **Example:** The NSLP operates from 11:30 a.m. to 1:00 p.m. On Monday, a fundraiser sells tickets to students during this time. On Friday during the school day, students can exchange the tickets for cookies on school premises. These cookies must comply with Smart Snacks (refer to "Allowable Foods" in this document) because this fundraiser does not occur after the school day. In addition, section 10-215b-23 of the state competitive foods regulations requires that the income from all ticket sales during this time must accrue to the NSFSA because the NSLP is operating (refer to "Section 10-215b-23: Accrual of income" in this document).

For additional guidance, refer to "State Competitive Foods Regulations" in this document.



Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs

Timing of Distribution and Consumption

Fundraisers sometimes sell foods and beverages at a different time from when they will be distributed or consumed. For example, students might order and pay for foods and beverages on one day, then receive the products several weeks later. The federal and state laws have different restrictions for these types of fundraisers.

Foods and beverages intended for consumption at home

Smart Snacks applies to all student orders for foods and beverages that are distributed to, and intended to be consumed by, students on school premises during the school day. For example, a fundraiser cannot sell tickets to students on Monday during the school day for a candy bar that will be distributed to students on Friday during the school day because candy bars do not comply with Smart Snacks.

Smart Snacks does not apply to foods and beverages intended for consumption at home. Examples include products distributed on school premises in a precooked state (such as frozen cookie dough, frozen pies, and frozen pizza), and products that are distributed on school premises in bulk quantities, i.e., multiple servings per package (such as boxes or bags of candy bars, Girl Scout cookies, popcorn, tea bags, hot chocolate packets, and bags of gourmet coffee).

Fundraiser orders and distribution during CNPs

If fundraiser orders and distribution occur while any CNPs are operating, the state competitive foods regulations require additional restrictions. Section 10-215b-1 prohibits fundraiser orders and distribution of 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. Section 10-215b-23 requires that the fundraiser's income from all foods and beverages sold to students during this time (including fundraiser orders and ticket sales) must accrue to the NSFSA. For more information, refer to "Tickets, coupons, and tokens" and "Fundraiser catalogs and orders" in this document.

Connecticut's regulations for competitive foods supersede Smart Snack because they apply regardless of when students will consume the foods and beverages. The examples below show how these state requirements apply to fundraisers.

- **Example 1:** The SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m. A school fundraising organization requests

to sell boxes of candy bars to students during these times. Section 10-215b-1 of the state competitive foods regulations prohibits this fundraiser because students cannot order candy, and candy cannot be distributed the candy to students, from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. (refer to "Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks" in this document).

- **Example 2:** The SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m. A fundraiser on school premises during the school day takes orders from students for frozen cookie dough that will be distributed to students later in the week. Section 10-215b-23 of the state competitive foods regulations requires that NSFSA must receive the fundraiser's income from all student orders during 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. (refer to "Section 10-215b-23: Accrual of income" in this document).

For additional guidance, refer to "State Competitive Foods Regulations" in this document.

Resources

A Guide to Smart Snacks in School (USDA):
https://www.fna.usda.gov/tn/guide-smart-snacks-school

Competitive Foods in Schools (CSDE webpage):
https://portal.ct.gov/sde/nutrition/competitive-foods

Fundraisers ("Guidance" section of CDE's Smart Snacks Nutrition Standards webpage):
https://portal.ct.gov/sde/nutrition/smart-snacks-nutrition-standards/guidance#Fundraisers

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 Fundraising (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/resources/healthy_fundraising.pdf

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

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

Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs

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

Overview of Federal and State Laws for Competitive Foods in Connecticut Public Schools, Private Schools, and Residential Child Care Institutions (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/compfoods/overview_federal_state_laws_competitive_foods.pdf

Private Schools and RCCIs (CSDE's Competitive Foods in Schools webpage):
https://portal.ct.gov/sde/nutrition/competitive-foods/documents#Private_Schools_RCCIs

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

Regulations of Connecticut State Agencies (Sections 10-215b-1 and 10-215b-23):
https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10Subtitle_10-215b/

Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/requirements_competitive_foods_private_rcci.pdf

Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/resources_federal_state_requirements_competitive_foods.pdf

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

Smart Snacks Nutrition Standards (CSDE webpage):
https://portal.ct.gov/sde/nutrition/smart-snacks-nutrition-standards

Smart Snacks Product Calculator (Alliance for a Healthier Generation):
https://foodplanner.healthiergeneration.org/

State Agency Fundraiser Elections and Exemptions for Smart Snacks Nutrition Standards (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/compfoods/state_agency_fundraiser_elections_smart_snacks.pdf

Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs

Summary Chart of Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions (CSDE): https://portal.ct.gov/-/media/sde/nutrition/compfoods/summarychart_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

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

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

USDA Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHFKA of 2010: https://www.fna.usda.gov/cn/fr-072916d

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

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

Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs

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/fundraiser_requirements_private_rcci.pdf.

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Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs

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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/ad-3027.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

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