

# Questions and Answers on Connecticut Statutes for School Foods and Beverages



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## Questions and Answers on Connecticut Statutes for School Foods and Beverages

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## CSDE Contact Information

For questions regarding the school nutrition programs, please contact the school nutrition programs staff in the CSDE’s Bureau of Child Nutrition Programs. For questions on the state and federal laws for competitive foods, Healthy Food Certification (HFC), and the Connecticut Nutrition Standards (CNS), please contact Susan Fiore at [susan.fiore@ct.gov](mailto:susan.fiore@ct.gov) or 860-807-2075.

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For a complete listing of the CSDE’s Child Nutrition Programs staff, refer to the CSDE’s resource, [Child Nutrition Staff and Responsibilities](#).

## Abbreviations and Acronyms

ASP	Afterschool Snack Program
BOE	board of education or school governing authority
CACFP	Child and Adult Care Food Program
CEP	Community Eligibility Provision
CFR	Code of Federal Regulations
CGS	Connecticut General Statutes
CNP	Child Nutrition Programs
CNS	Connecticut Nutrition Standards
CSDE	Connecticut State Department of Education
FDA	Food and Drug Administration
FFVP	Fresh Fruit and Vegetable Program
FNS	Food and Nutrition Service, U.S. Department of Agriculture
HFC	Healthy Food Certification
HHFKA	Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296)
NSFSA	nonprofit school food service account
NSLP	National School Lunch Program
RCCI	residential child care institution
SBP	School Breakfast Program
SFSP	Summer Food Service Program
SMP	Special Milk Program
SSO	Seamless Summer Option of the NSLP
USDA	U.S. Department of Agriculture

## 1 — Overview

This document provides answers to commonly asked questions regarding the requirements and implementation of Connecticut’s statutes and regulations that apply to selling and giving foods and beverages to students on school premises. It also provides guidance on how the federal laws for competitive foods apply. 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.

Some laws apply only to competitive foods, while others apply to all foods and beverages, including those in reimbursable meals and Afterschool Snack Program (ASP) snacks. Some laws apply at all times, while others apply only during the school day or while the U.S. Department of Agriculture’s (USDA) Child Nutrition Programs (CNPs) are operating. The definitions below apply to these requirements.

- “Competitive foods” are all foods and beverages available for sale to students on school premises, separately from reimbursable meals and snacks served in the CNPs. Under Section 10-215b-1 of the Regulations of Connecticut State Agencies, competitive foods also include candy, coffee, tea, and soft drinks that are sold or given to students on school premises while any CNPs are operating, including during and after the school day.
- “Reimbursable meals” are meals that comply with the USDA’s meal patterns for Child Nutrition Programs, as specified in USDA regulations.
- The CNPs include the [National School Lunch Program \(NSLP\)](#), [School Breakfast Program \(SBP\)](#), [Afterschool Snack Program \(ASP\)](#) of the NSLP, [Seamless Summer Option \(SSO\)](#) of the NSLP, [Special Milk Program \(SMP\)](#), [Fresh Fruit and Vegetable Program \(FFVP\)](#), [Child and Adult Care Food Program \(CACFP\)](#) [At-risk Afterschool Meals](#) operated in schools, and [Summer Food Service Program \(SFSP\)](#) operated in schools.
- “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.

## 1 | Overview

- “School premises” include all areas of the property under the jurisdiction of the local or regional board of education, the Connecticut Technical Education and Career System (CTECS), or the governing authority district or school.
- The “school day” is the period from 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 midnight to 3:30 p.m. Summer school programs operated by the board of education or school governing authority (BOE) are part of the regular school day.

### State Requirements

Table 1 summarizes Connecticut’s statutes and regulations that apply to selling and giving foods and beverages to students on school premises. The state statutes apply to all public schools. The state regulations and federal laws apply to public schools, private schools, and residential child care institutions (RCCIs).

**Table 1. Connecticut statutes and regulations for foods and beverages in schools**

Requirement	Description	Applies to
<a href="#">Section 10-215a:</a> Nonpublic school and nonprofit agency participation in feeding programs	Effective July 1, 1971 (and modified effective July 1, 2006, to exclude HFC funding under C.G.S. Section 10-215b), this state statute addresses the participation of nonpublic schools and nonprofit agencies in the CNPs. It clarifies that nonpublic schools are not eligible for HFC funding.	All nonpublic schools such as private schools and RCCIs.
<a href="#">Section 10-215b:</a> Duties of State Board of Education regarding feeding programs	Effective July 1, 1971 (and modified effective July 1, 2006, to include HFC funding under C.G.S. Section 10-215b), this state statute addresses the funding for state match for school meals and HFC, and the HFC requirements for application, monitoring compliance, and adjusting HFC funds for failure to comply.	All public schools that participate in the NSLP and choose the healthy food option under C.G.S. Section 10-215f, i.e., the BOE votes to comply with the CNS under Section 10-215e.



Requirement	Description	Applies to
<p><a href="#">Section 10-215e</a>: Nutrition standards for food that is not part of lunch or breakfast program</p>	<p>Effective July 1, 2006, this state statute required the CSDE to develop nutrition standards for all foods sold to students in HFC public schools separately from reimbursable meals. The CNS also applies to foods served in reimbursable ASP snacks. For information on the specific CNS requirements, refer to the CSDE's <a href="#">Summary of Connecticut Nutrition Standards</a> and the full standards document, <a href="#">Connecticut Nutrition Standards for Foods in Schools</a>, and visit the CSDE's <a href="#">CNS</a> webpage. Training on the CNS is available in the CSDE's <a href="#">Complying with Healthy Food Certification</a> training program.</p>	<p>All public schools that participate in the NSLP and choose the healthy food option of HFC under C.G.S. Section 10-215f.</p> <p>All foods sold to students on school premises separately from reimbursable meals, and all foods served in reimbursable ASP snacks.</p>
<p><a href="#">Section 10-215f</a>: Certification that food meets nutrition standards (Healthy Food Certification)</p>	<p>Effective July 1, 2006, this state statute requires that each BOE for all Connecticut public schools participating in the NSLP must certify annually to the CSDE by July 1 whether they will or will not 1) comply with the CNS; and 2) allow exemptions for food sales that meet the statutory exemption criteria. Schools that choose the healthy food option (i.e., comply with the CNS) receive additional state funding. For more information, refer to the CSDE's <a href="#">Requirements for Competitive Foods in HFC Public Schools</a> and visit the "Apply" section of the CSDE's <a href="#">HFC</a> webpage. Training on HFC and the CNS is available in the CSDE's <a href="#">Complying with Healthy Food Certification</a> training program.</p>	<p>All public schools that participate in the NSLP.</p> <p>All sales of foods to students separately from reimbursable meals on school premises at all times and from all sources, including ASP snacks.</p> <p><b>Food exemptions:</b> Noncompliant foods cannot be sold to students on school premises unless the BOE votes to allow exemptions and the sales meet the following exemption criteria: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the foods are not sold from a vending machine or school store.</p>

Requirement	Description	Applies to
<p><a href="#">Section 10-221o</a>: Lunch periods</p>	<p>Effective July 1, 2004, this state statute requires that all schools under the jurisdiction of each local and regional BOE must offer all full-day students a daily lunch period of not less than 20 minutes. For more information, refer to the CSDE’s <a href="#">Operational Memorandum No. 10-19: Requirements for Lunch Periods in the National School Lunch Program (NSLP)</a> and <a href="#">Circular Letter C-9: Federal and State Requirements for Provision and Timeframe of Daily Lunch Period for Students</a>.</p>	<p>All public schools, regardless of whether they participate in the CNPs.</p>
<p><a href="#">Section 10-221p</a>: Boards to make available for purchase nutritious and low-fat foods</p>	<p>Effective July 1, 2004 (and modified effective July 1, 2006, to delete beverages after the enactment of Section 10-221q) this state statute requires that whenever foods are available for purchase by students in Connecticut public schools during the school day, nutritious and low-fat foods must also be available for sale at the same time, either at the same location or elsewhere in the school. The statute defines “nutritious and low-fat foods” as low-fat dairy foods (such as low-fat cheese and low-fat or nonfat yogurt) and fresh or dried fruit. Low-fat milk is a beverage and cannot be used to meet the statutory requirement for low-fat foods. C.G.S. Section 10-221p does not apply to the ASP, unless it begins before the end of the school day.</p>	<p>All public schools, regardless of whether they participate in the CNPs.</p> <p>All sales of foods to students on school premises during the school day, including foods sold as part of and separately from reimbursable meals and ASP snacks.</p>

Requirement	Description	Applies to
<p><a href="#">Section 10-221q</a>: Sale of beverages</p>	<p>Effective July 1, 2006, the state beverage statute defines five categories of beverages that are allowed for sale to students in Connecticut public schools: 1) milk; 2) 100 percent juice; 3) nondairy milk substitutes; 4) beverages containing only water and juice; and 5) water. Each category must meet specific nutrition requirements. For information on the specific requirements, refer to the CSDE's <a href="#">Allowable Beverages in Connecticut Public Schools</a> and visit the CSDE's <a href="#">Beverage Requirements</a> webpage.</p> <p><b>Note:</b> The beverage requirements in these resources include the stricter provisions of the federal and state laws. Some of the USDA Smart Snacks beverage requirements are stricter than the state beverage requirements, and some of the state beverage requirements are stricter than the USDA Smart Snacks beverage requirements. When the laws differ, the stricter requirements apply.</p>	<p>All <b>public schools</b>, regardless of whether they choose the healthy food option of HFC under C.G.S. Section 10-215f.or participate in the CNPs.</p> <p>All sales of beverages to students on school premises at all times and from all sources, including beverages sold as part of and separately from reimbursable meals and ASP snacks.</p> <p><b>Beverage exemptions:</b> Noncompliant beverages cannot be sold to students on school premises unless the BOE votes to allow exemptions and the sales meet the following exemption criteria: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the beverages are not sold from a vending machine or school store.</p>

Requirement	Description	Applies to
<p><a href="#">Section 17a-818</a>: Food service facilities and vending stands in public buildings controlled by Department of Aging and Disability Services. Permissible uses of vending machine income (formerly Section 10-303)</p>	<p>Effective October 1, 1945, this state statute requires that the Connecticut Department of Aging and Disability Services, Bureau of Education and Services for the Blind (ADS-BESB) has the right of first refusal to place vending machines in public buildings, including schools. A school district must grant a permit to ADS-BESB to operate a vending machine if the school district has determined that a vending machine is desirable in the location. School districts cannot allow another organization to place a vending machine in a school building unless 1) the school district has first offered to grant a permit to ADS-BESB to operate the vending machine; and 2) ADS-BESB has declined the opportunity. This statute does not apply to vending machines that are owned and operated by the school district without outside assistance. For additional guidance, refer to <a href="#">“Placement of Vending Machines (ADS-BESB)”</a> in the “Laws/Regulations” section of the CSDE’s Competitive Foods in Schools webpage.</p>	<p>Vending machines operated by outside contractors in public schools</p>

Requirement	Description	Applies to
<p><a href="#">Section 10-215b-1 of the Regulations of Connecticut State Agencies:</a> Competitive foods (candy, coffee, tea, and soft drinks)</p>	<p>Effective August 25, 1992, this state regulation 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, including during and after the school day. This includes selling candy, coffee, tea, and soft drinks to students at events on school premises that meet the exemption criteria of the state HFC statute (C.G.S Section 10-215f) and state beverage statute (C.G.S Section 10-221q).</p> <ul style="list-style-type: none"> <li>• “Candy” includes all types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, candy bars, hard candies, lollipops, caramels, taffy, licorice, jelly candies (e.g., gumdrops, gummies, and jelly beans), and breath mints.</li> <li>• “Coffee” and “tea” include all types, e.g., regular, decaffeinated, herbal, and iced.</li> <li>• “Soft drinks” include all beverages (with or without carbonation) that contain water and/or juice and added sweeteners (including nutritive sweeteners and artificial or natural nonnutritive sweeteners) and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples of soft drinks 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.</li> </ul> <p>For more information, refer to the CSDE’s resource, <a href="#">Overview of Connecticut Competitive Foods Regulations</a></p>	<p>All public schools, private schools, and RCCIs that participate in the CNPs.</p> <p>Selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises while any CNPs are operating.</p>

Requirement	Description	Applies to
<p><a href="#">Section 10-215b-23 of the Regulations of Connecticut State Agencies</a>: Accrual of Income</p>	<p>Effective August 25, 1992, this state regulation requires that the 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 (including during and after the school day) must accrue to the nonprofit school food service account (NSFSA). This includes the income from sales of foods and beverages to students at events on school premises that meet the exemption criteria of the state HFC statute (C.G.S Section 10-215f) and state beverage statute (C.G.S Section 10-221q).</p> <ul style="list-style-type: none"> <li>• “Income” means gross income.</li> <li>• “NSFSA” means the restricted account in which all of the revenue from all food service operations conducted by the school food authority (SFA) principally for the benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service. This account shall include, as appropriate, non-federal funds used to support paid lunches as provided in <a href="#">7 CFR 210.14(e)</a>, and proceeds from nonprogram foods as provided in <a href="#">7 CFR 210.14(f)</a>.</li> </ul> <p>For more information, refer to the CSDE’s <a href="#">Overview of Connecticut Competitive Foods Regulations</a> and <a href="#">Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools</a>.</p>	<p>All public schools, private schools, and RCCIs that participate in the CNPs.</p> <p>Accrual of income from all sales of foods and beverages to students anywhere on school premises while any CNPs are operating.</p>

## Federal Requirements

In addition to the state statutes and regulations, public schools, private schools, and RCCIs must also comply with the federal regulations restricting the sales of competitive foods to students on school premises. Table 2 summarizes these requirements. For more information, refer to the CSDE's [Overview of Federal and State Laws for Competitive Foods in Connecticut Public Schools, Private Schools, and Residential Child Care Institutions](#).

**Table 2. USDA regulations for foods and beverages in schools**

Requirement	Description	Applies to
Smart Snacks Nutrition Standards (81 FR 50131): 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)	<p>Effective July 1, 2014, this USDA final rule defines the nutrition standards required for competitive foods sold to students during the school day in all schools and institutions that participate in the NSLP and SBP. For information on the specific Smart Snacks standards, refer to the CSDE's <a href="#">Summary of Smart Snacks Nutrition Standards</a> and <a href="#">Questions and Answers on Smart Snacks</a> and visit the CSDE's <a href="#">Smart Snacks Nutrition Standards</a> webpage. For additional resources, refer to the <a href="#">Resources</a> section.</p> <p><b>Note:</b> While Smart Snacks addresses foods and beverages, only the beverage standards apply to HFC public schools. The food standards do not apply because the state HFC statute (C.G.S. Section 10-215f) requires compliance with the stricter CNS, which supersedes the Smart Snacks food standards. For a comparison of the CNS and Smart Snacks, refer to the CSDE's chart, <a href="#">Comparison of the Connecticut Nutrition Standards and the USDA's Smart Snacks Nutrition Standards</a>.</p>	<p>All public schools, private schools, and RCCIs that participate in the CNPs.</p> <p>All foods sold to students during the school day on school premises separately from reimbursable meals and snacks through the CNPs.</p>

Requirement	Description	Applies to
<p><b>Federal:</b> School Wellness Policy (<a href="#">Public Law 108-265</a>) and the <a href="#">Healthy, Hunger-Free Kids Act (HHFKA) of 2010</a>)</p> <p>Final Rule <a href="#">81 FR 50151</a></p>	<p>The Child Nutrition and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Reauthorization Act of 2004 (<a href="#">Public Law 108-265</a>) required all schools and institutions participating in the NSLP and SBP to develop a SWP by the first day of school year 2006-07. Section 204 of the Healthy, Hunger-Free Kids Act of 2010 (<a href="#">Public Law 111-296</a>) 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, <a href="#">Local School Wellness Policy Implementation Under the HHFKA of 2010</a>.</p> <p>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 <a href="#">School Wellness Policies</a> webpage.</p>	<p>All public schools, private schools, and RCCIs that participate in the CNPs.</p> <p>Selling and giving foods and beverages to students on school premises during the school day, including reimbursable meals and competitive foods.</p>



Requirement	Description	Applies to
Revenue from Nonprogram Foods <a href="#">(7 CFR 210.14 (f))</a>	<p>Effective July 1, 2011, this USDA regulation requires that all revenue from sales of nonprogram foods must accrue to the NSFSA. “Nonprogram foods” are foods and beverages purchased using funds from the NSFSA and sold to students (other than reimbursable meals and snacks served through the CNPs) and adults at any time or location on school premises. Nonprogram foods include all foods and beverages sold in schools, adult meals, outside-of-school hours, and catering or vending activities. They also include competitive foods purchased using funds from the NSFSA, such as cafeteria a la carte sales or foods and beverages for vending machines operated by the food service department. For most school food authorities (SFAs), cafeteria a la carte sales account for the majority of nonprogram foods. Another common source is vending machines operated by the NSFSA. For more information, refer to <a href="#">USDA Memo SP 13-2014: School Food Service Account Revenue from the Sale of Nonprogram Foods</a> and <a href="#">USDA Memo SP 20-2016: Nonprofit School Food Service Account Nonprogram Food Revenue Requirements</a>.</p> <p><b>Note:</b> Nonprogram foods are different from competitive foods. Competitive foods include all foods and beverages available for sale to students on school premises separately from reimbursable meals served through the CNPs, regardless of the funding source that purchased them. Some competitive foods are nonprogram foods because they are purchased using funds from the NSFSA, but many are not. For example, funds from the NSFSA might be used to purchase competitive foods that are sold from vending machines in the cafeteria; however, NSFSA funds are not typically used to purchase competitive foods that are sold from school stores and fundraisers.</p>	<p>All public schools, private schools, and RCCIs that participate in the CNPs.</p> <p>All foods and beverages purchased using funds from the NSFSA and sold to students (outside of reimbursable meals and snacks through the CNPs) and adults on school premises.</p>

### When the Laws Apply

When the laws for competitive foods differ, the stricter requirements apply. For example, the USDA's Smart Snacks nutrition standards apply to sales of competitive foods to students during the school day. However, the CNS and the state beverage statute apply at all times, and therefore extend restrictions beyond the school day. In addition, the state competitive foods regulations apply to sales of competitive foods to students whenever any CNPs are operating, including during and after the school day. They also apply when candy, coffee, tea, and soft drinks are given to students.

The CSDE's chart, [Comparison of the Connecticut Nutrition Standards and the U.S. Department of Agriculture's \(USDA\) Smart Snacks Nutrition Standards](#), summarizes the differences between the USDA and CSDE nutrition standards for foods and beverages. For links to applicable laws for schools, visit the CSDE's [Laws and Regulations for Child Nutrition Programs](#) webpage.

## 2 — Beverages (C.G.S. Section 10-221q)

Compliance with this statute is required for all public schools, even if the district does not participate in the CNPs or does not choose the healthy food option of HFC under C.G.S. Section 10-215f. For more information on beverages, refer to the CSDE's [Allowable Beverages in Connecticut Public Schools](#) and visit the CSDE's [Beverage Requirements](#) webpage.

### Requirements for Beverages

#### 1. What are the requirements of C.G.S. Section 10-221q regarding beverages?

C.G.S. Section 10-221q applies to all public schools, regardless of whether they have chosen to implement the healthy food option of HFC under C.G.S. Section 10-215f or participate in the CNPs. This statute specifies that only five categories of beverages can be sold to students in public schools. Public schools include all local and regional boards of education, the Connecticut Technical Education and Career System (CTECS), and the governing authorities for state charter schools, interdistrict magnet schools, and endowed academies.

Public schools must also comply with the beverage requirements of the USDA's Smart Snacks nutrition standards [final rule](#), *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HRFKA of 2010* (Federal Register, Vol. 81, No. 146, July 29, 2016), which took effect on July 1, 2014. For more information, refer to the CSDE's resource, [Summary of Smart Snacks Nutrition Standards](#), and visit the CSDE's [Smarts Snacks Nutrition Standards](#) webpage.

Some of the federal beverage requirements are stricter than the state beverage requirements, and some of the state beverage requirements are stricter than the federal beverage requirements. When the federal and state requirements differ, the stricter requirements apply. The five allowable beverage categories below include the stricter provisions of the state beverage statute and the USDA's Smart Snacks beverage standards.

1. **Milk, low-fat (1%) unflavored and nonfat flavored or unflavored**, with no more than 4 grams of sugar per fluid ounce and no artificial sweeteners.

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2. **Nondairy milks such as soy or rice milk (flavored or unflavored)** that meet the USDA's nutrition standards for nutritionally equivalent milk alternatives but contain no artificial sweeteners; no more than 4 grams of sugar per fluid ounce; no more than 35 percent of calories from fat; and no more than 10 percent of calories from saturated fat. For information on the USDA's nutrition standards for milk substitutes, refer to the CSDE's resource, [Allowable Milk Substitutes for Children with Disabilities in School Nutrition Programs](#).
3. **100 percent fruit juice, vegetable juice, or combination of such juices**, containing no added sugars, sweeteners (including nonnutritive sweeteners), or artificial sweeteners.
4. **Beverages that contain only water and fruit or vegetable juice** and have no added sugars, sweeteners (including nonnutritive sweeteners), or artificial sweeteners. These beverages must also meet the requirements specified in the CSDE's resource, [Requirements for Beverages Containing Water and Juice](#).
5. **Water (plain or carbonated)**, which may be flavored but contains no added sugars, sweeteners (including nonnutritive sweeteners), artificial sweeteners, or caffeine

**Note:** For the definition of “sweeteners,” “nonnutritive sweeteners,” and “artificial sweeteners,” refer to the [Glossary](#).

Portion sizes of allowable beverages are limited to no more than 8 fluid ounces for elementary schools and 12 fluid ounces for middle and high schools, except for water, which is unlimited.

C.G.S. Section 10-221q applies to all beverages sold as part of and separately from school meals, from all sources including school cafeterias, school stores, vending machines, fundraising activities on school premises, and any other sources of beverage sales to students on school premises. Examples of other sources of beverage sales to students include afterschool programs and activities, such as enrichment programs, extracurricular classes, tutoring sessions, and student clubs; classroom parties that collect a fee to cover the cost of foods and beverages; culinary arts programs; family and consumer sciences classes; recipient schools under interschool agreements (refer to Q-43); a la carte beverages sold in the SSO and SFSP; reimbursable snacks in the ASP; summer school programs (e.g., enrichment or exploratory) operated by the BOE or an outside entity (refer Q-84); vendors on school premises, e.g., food service management companies (FSMCs), food trucks, caterers, online and mobile food delivery companies, and other outside entities that sell beverages to students; and adult education programs operated by the BOE (refer to Q-5, Q-65, and Q-66).

**2. What is the relationship between the beverage statute (C.G.S. Section 10-221q) and the existing state competitive food regulation (Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies)?**

C.G.S. Section 10-221q applies to all beverages sold to students in public schools at all times and from all sources (refer to Q-1). Connecticut's competitive food regulations (Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies) apply to all public schools, private schools, and RCCIs from 30 minutes before up through 30 minutes after the operations of any CNPs.

- Section 10-215b-1** prohibits schools from selling or dispensing coffee, tea, soft drinks, and candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs. However, effective July 1, 2006, C.G.S. Section 10-221q applies at all times and therefore supersedes the time specified by Section 10-215b-1. Coffee, tea, and soft drinks cannot be sold to students on school premises unless the BOE votes to allow exemptions and the sales are at the location of an event that occurs after the school day or on the weekend (refer to Q-7). However, Section 10-215b-1 prohibits selling, giving, and distributing candy, coffee, tea, and soft drinks to students anywhere on school premises (including exempted events under C.G.S. Sections 10-215f and 10-221q) from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the At-risk Afterschool Meals program operates from 4:30 to 5:30 p.m., a fundraiser at an exempted event cannot sell, give, or distribute candy, coffee, tea, and soft drinks to students anywhere on school premises from 3:00 p.m. to 5:00 p.m. (For the definition of "dispensing," refer to the [Glossary](#).)
- Section 10-215b-23** specifies that the income from any foods and beverages sold to students anywhere on school premises (including sales at exempted events under C.G.S. Sections 10-215f and 10-221q) from 30 minutes before up through 30 minutes after the operation of any CNPs must accrue to the NSFSA. For example, if the ASP operates from 3:30 to 4:30 p.m. and a fundraiser sells foods and beverages to students at an exempted event on school premises during the same time, the NSFSA must receive the fundraiser's income from all foods and beverages sold to students anywhere on school premises from 3:00 p.m. to 5:00 p.m. (For the definition of "NSFSA," refer to the [Glossary](#).)

For more information, refer to the CSDE's [Connecticut Competitive Food Regulations](#) and [CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

- 3. The district operates a fee-based sports program or after-school activity that includes a beverage. Students must pay a fee to participate in the program and the fee includes the cost of providing the beverage. Do the beverages have to comply with C.G.S. Section 10-221q?**

Yes. Since the cost of providing the beverages to the students is included in the fee for the program, the beverages are being sold to students. (For the definition of “sales,” refer to the [Glossary](#).) For information on how this applies to foods, refer to Q-59.

- 4. Can schools continue to operate a soda machine in the teachers’ lounge?**

Yes. The statute applies only to the sale of beverages to students. Schools can sell any beverages that are not allowed by C.G.S. Section 10-221q (such as soda, sports drinks, coffee, and tea) to teachers and other school staff members if these beverages are not accessible to students. Examples include a soda machine in the teachers’ lounge and coffee sold in the cafeteria only to adults. However, the CSDE encourages districts to consider this issue in relation to the promotion of staff wellness practices and the district’s school wellness policy (refer to Q-33).

- 5. An adult education program is operated under the jurisdiction of the BOE but is not located on school grounds. Can the adult education program operate a vending machine that dispenses soda or any other beverages that do not meet the requirements of C.G.S. Section 10-221q?**

No. The statute does not define students as being of a particular age, nor does it distinguish between regular and adult education programs. Therefore, any beverages sold in an adult education program under the local or regional BOE’s jurisdiction must comply with C.G.S. Section 10-221q.

The statute applies only to the sale of beverages that are under the control of the adult education program. If the school district rents, leases, or borrows building space for an adult education program and the building owner maintains any sources of beverage sales (such as vending machines and kiosks), these beverages are not required to comply with the state beverage requirements. For more information, refer to the CSDE’s memo, [Requirements for Selling Food and Beverages in Adult Education Programs](#).

- 6. What are the consequences of noncompliance, i.e., schools sell beverages that are not allowed by C.G.S. Section 10-221q?**

The BOE is responsible for certifying compliance with all Connecticut education statutes that are applicable to public schools, including C.G.S. Section 10-221q. Districts that are not in compliance with the state education statutes risk jeopardizing their public school funding.

## Exemptions for Beverages

### 7. Can schools ever sell any beverages to students that are not listed in C.G.S. Section 10-221q?

Yes, however only under specific circumstances. Beverages that are not allowed by 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 following three exemption criteria: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the beverages are not sold from a vending machine or school store. (For definitions of “location,” “event” and “school day,” refer to the [Glossary](#).)

Beverage exemptions under C.G.S. Section 10-221q are not part of the annual HFC Statement (refer to Q-24), which applies only to food sales. If a public school 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. If the district does not have a beverage exemption in place, noncompliant beverages can never be sold to students on school premises. The BOE must take action (i.e., vote) to permit the sale of noncompliant beverages before they can be sold to students.

The exemption for the sale of beverages can be general (i.e., any beverages are allowed if the sales meet the three exemption criteria) or specific (i.e., only certain types of beverages are allowed if the sales meet the three exemption criteria). This BOE makes this decision. For more information, refer to the CSDE’s [Exemptions for Foods and Beverages in Public Schools](#).

### 8. Is the BOE required to vote on beverage exemptions every year?

No, if the BOE chooses to make beverage exemptions part of district policy. If beverage exemptions are part of district policy, the policy should indicate whether all events meeting the three exemption criteria (refer to Q-7) are exempted or whether only certain events are exempted (e.g., sales are only allowed at sports games, concerts or theatre productions), and whether all beverages not meeting the statutory requirements are exempted or only certain beverages are exempted (e.g., cocoa and lemonade are allowed but soda is not). If the BOE decides to make beverage exemptions part of district policy, they remain in effect until the BOE rescinds or revises the existing policy.

### Allowable Beverages

**9. Can cocoa/hot chocolate, coffee/decaffeinated coffee, and tea/herbal tea be sold to students?**

No. The only beverages that can be sold to students in public schools are those belonging to the five categories of beverages specified in C.G.S. Section 10-221q (refer to Q-1). Cocoa/hot chocolate, coffee (regular, decaffeinated, and iced) and tea (regular, herbal, and iced) are not included in any of the five allowable categories defined by state statute. Therefore, these beverages cannot be sold to students on school premises unless the BOE votes to allow exemptions and the sales are at the location of an event that occurs after the school day or on the weekend (refer to Q-7).

**Note:** If the event occurs after the school day while any CNPs are operating (such as the ASP or At-risk Afterschool Meals program), Section 10-215b-1 of state regulations prohibits selling and giving coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. (For the definition of “sales” “giving,” and “soft drinks,” refer to the [Glossary](#).)

**10. A school operates an a la carte breakfast program and does not participate in the SBP Can the food service program give coffee to students if they purchase a specific breakfast item e.g., the student buys a bagel egg sandwich and gets a “free” coffee?**

No. C.G.S. Section 10-221q prohibits the sale of coffee to students on school premises (refer to Q-9). If students are required to purchase a breakfast item to get the “free” coffee, then the coffee is not being given away, since students cannot get the coffee without spending money. (For the definition of “sales” and “giving,” refer to the [Glossary](#).)

**11. Can sports drinks be sold to students at a sports practice that occurs after the end of the school day if they are sold by a person (e.g., coach or parent), not a vending machine or school store?**

No. A sports practice does not qualify as an “event” (refer to definition of “event” in the [Glossary](#)). Sports drinks or other beverages that are not permitted under C.G.S. Section 10-221q can be given to students during the practice, but they cannot be **sold** to students during the practice. If a fee is collected for participation in the sports program and the fee covers the cost of beverages given to students at practices or games, then the beverages are being sold to students and must meet the requirements of C.G.S. Section 10-221q.

**Note:** If the sports practice occurs while any CNPs are operating (such as the ASP), Section 10-215b-1 of state regulations prohibits selling and giving coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. (For the definition of “sales” “giving,” and “soft drinks,” refer to the [Glossary](#).)



**12. Can carbonated/aerated waters or juices be sold to students?**

It depends. Carbonated juices that meet the requirements of C.G.S. Section 10-221q and Smart Snacks can be sold to students at any time, provided the sales also comply with Section 10-215b-23 of the state regulations (refer to [table 1](#) in section 1). However, Smart Snacks prohibits sales of flavored water (plain and carbonated) to students in elementary and middle schools; therefore, flavored water can only be sold to students in high schools. Commercial beverages that meet the state and federal beverage requirements are listed on the CSDE's [List of Acceptable Foods and Beverages](#) webpage.

**13. Can a vending machine with beverages not fitting within the five beverage categories of C.G.S. Section 10-221q remain in a school if it is not turned on until after the end of the school day?**

No. Soda, sports drinks, iced tea, and any other noncompliant beverages can **never** be sold to students from vending machines under any circumstances. C.C.S. Section 10-221q specifically prohibits exemptions for vending machines.

**14. Does C.G.S. Section 10-221q apply to beverages supplied by parents or teachers for classroom parties?**

No. The statute applies only to the sale of beverages to students. However, if a fee is collected to cover the cost of beverages given to students for classroom parties, then the beverages are being sold to students and must meet the requirements of C.G.S. Section 10-221q. (For the definition of “sales” and “giving,” refer to the [Glossary](#).)

The determination of what beverages can be given to students in school would be governed by the district's local school wellness policy (refer to Q-33). However, if the classroom party occurs while any CNPs are operating (such as the NSLP, SBP, or ASP), Section 10-215b-1 of state regulations prohibits selling and giving coffee, tea, and soft drinks (such as soda, sports drinks, lemonade, and fruit punch drinks) to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. (For the definition of “soft drinks,” refer to the [Glossary](#).)

**15. Can students order beverages from a mobile food delivery company that will be delivered to the student on school premises?**

No. The state beverage statute applies to all sales of beverages to students on school premises. This includes all student orders for beverages on school premises, regardless of how students pay for these beverages, e.g., cash, ticket, credit card, or online payment. Students cannot order and receive beverages on school premises unless these beverages comply with the state beverage statute. It would be difficult for the district to verify that beverages delivered from an online or mobile food delivery company comply with the state beverage statute. Therefore, these sales are not allowed unless the online or mobile food delivery company could provide (and the district could verify) documentation that the beverages comply with the state beverage statute.

### Summer School Programs

**16. Does C.G.S. Section 10-221q apply to summer school programs (e.g., enrichment or exploratory programs)?**

Yes, if the summer school program is operated in a school building or on school property. All beverages sold to students in the summer school program must meet the requirements of C.G.S. Section 10-221q (refer to Q-1).

A summer school program operated by the school district is considered to be part of the regular school day. Beverages that do not comply with the state beverage statute cannot be sold to students on school premises unless the BOE votes to allow exemptions and the sales are at the location of an event that occurs after the regular school day or on the weekend (refer to Q-7). (Refer to Q-17 for the definition of “regular school day” for a summer school program.)

A summer program that is not operated by the school district is considered to be outside of the regular school day. If the BOE has voted to allow exemptions, beverages that do not comply with the state statute could be sold at the location of an event that occurs anytime on school premises.

**17. What is a “regular school day” for a summer school program operated by a BOE?**

The regular school day for a summer program operated by a BOE is the period from midnight before to 30 minutes after the regularly scheduled completion of the program. For example, if the summer school program operates from 9:00 a.m. to 1:00 p.m., the school day is the period from midnight before until 1:30 p.m. If the BOE has voted to allow exemptions, beverages that do not comply with the state statute could be sold at the location of an event on school premises that occurs anytime from 1:31 p.m. through 11:59 p.m.

A summer program that is not operated by the school district is considered to be outside of the regular school day. If the BOE has voted to allow exemptions, beverages that do not comply with the state statute could be sold at the location of an event that occurs anytime on school premises (refer to Q-7).

### 3 — Healthy Food Certification (C.G.S. Section 10-215f)

Compliance with this statute is required for all public schools that participate in the NSLP. Each public school must certify annually to the CSDE by July 1 whether they will or will not 1) comply with the Connecticut Nutrition Standards (CNS); and 2) allow food exemptions. For more information on the HFC requirements, refer to the CSDE's [Complying with Healthy Food Certification](#) training program and visit the CSDE's [HFC](#) and [CNS](#) webpages.

#### Eligibility for Healthy Food Certification

**18. What are the eligibility requirements for HFC and additional funding?**

All Connecticut public school districts that participate in the NSLP are eligible for the healthy food option and additional funding under C.G.S. Section 10-215f. Public schools include all local and regional boards of education, the Connecticut Technical Education and Career System (CTECS), and the governing authorities for state charter schools, interdistrict magnet schools, and endowed academies.

**19. Are eligible school districts required to choose the healthy food option and receive additional funding under C.G.S. Section 10-215f?**

No. Districts are not required to implement the healthy food option, i.e., follow the CNS for all foods sold to students separately from reimbursable meals. However, all school districts that participate in the NSLP must certify annually to the CSDE whether they will or will not implement the healthy food option,

**20. Can nonpublic schools that participate in the NSLP participate in HFC?**

No. C.G.S. Section 10-215a specifies that private schools, RCCIs, and nonprofit organizations are not eligible to certify for the healthy food option under C.G.S. Section 10-215f and receive additional funding.

**21. Can a school district certify for the healthy food option if one or more schools do not participate in the NSLP, e.g., the district's elementary and middle schools participate in the NSLP but the high school does not?**

Yes. If the district has at least one school participating in the NSLP, it can certify for the healthy food option and receive the additional funding. However, if the district chooses to certify for the healthy food option, all schools in the district must comply with the CNS, even if they do not participate in the NSLP. The annual certification is for the entire district.

**22. Can a district opt to certify for the healthy food option for only some schools in the district, e.g., elementary and middle schools, but not the high school?**

No. HFC is for **all** of the schools under the district’s jurisdiction, including elementary, middle, and high schools.

**23. How many Connecticut school districts currently participate in HFC?**

The number of eligible and participating school districts and schools (magnets, charters, and endowed academies) varies each year. A list of the districts currently participating in HFC is available on the [Healthy Food Certification](#) webpage. This webpage also includes a color-coded [state map of HFC participation](#), and a summary of the [current year’s HFC data](#).

### Certification Process

**24. What is the HFC application process?**

All Connecticut public school districts that participate in the NSLP must complete the annual *Healthy Food Certification Statement – Addendum to Agreement for Child Nutrition Programs* (ED-099) by July 1 of each year. By March of each year, the CSDE issues a memorandum outlining the requirements and steps for submitting the annual HFC Statement for the upcoming school year. Effective with school year 2017-18, the annual HFC Statement became part of the CSDE’s Online Application and Claiming System for Child Nutrition Programs ([CNP System](#)), which opens in May of each year. Districts do not submit hard copies of the annual HFC Statement to the CSDE.

The online submission process includes completing and electronically signing the annual HFC Statement and uploading the final BOE-approved meeting minutes that reflect the specific required motion language for the two HFC votes (HFC participation and food exemptions) and the vote for beverage exemptions if the district choose to allow beverage exemptions (refer to Q-7 and Q-8). For more information, refer to [the CSDE Operational Memorandum for the annual HFC Statement, Process for Submitting the Healthy Food Certification \(HFC\) Statement](#). Training on the HFC application process is available in the CSDE’s training module, [Completing the Application Process for Healthy Food Certification](#). For more information and resources, visit the “[Apply](#)” section of the CSDE’s HFC webpage.

**Note:** The CSDE cannot accept draft meeting minutes to approve the HFC application. The district must schedule the initial BOE meeting early enough to enable timely submission of the **final** BOE-approved meeting minutes to the CSDE by the July 1 deadline.

**25. What is the period covered by the district’s HFC?**

The district’s HFC is valid for one school year (July 1 through June 30).

**26. Are districts required to complete and submit the HFC Statement every year?**

Yes. C.G.S. Section 10-215f requires that all public school districts that participate in the NSLP must certify each year whether they will or will not follow the CNS for all foods sold to students separately from reimbursable meals. The district's HFC Statement must be completed and approved annually by the BOE and must also be approved annually by the CSDE. The CSDE strongly encourages districts to make the BOE vote on HFC a standing agenda item for a BOE meeting by April 30 of each year. This will ensure that the district can meet the July 1 deadline for submitting the online HFC Statement and uploading the final BOE-approved meeting minutes (refer to Q-24).

**27. Who is responsible for signing the HFC Statement?**

The HFC Statement must be signed electronically (certified) by one of the district's two designated representatives authorized to enter into an agreement with the CSDE to operate Child Nutrition Programs (ED-099 Agreement for Child Nutrition Programs) and sign the claims for reimbursement.

- **Authorized signer 1** is the designated representative who is authorized to sign the ED-099 Agreement for Child Nutrition Programs and submit claims for reimbursement. This person is the head of the governing body, e.g., the chief officer elected or appointed to assume legal responsibility for the organization (superintendent of schools, president, or chairperson of the BOE).
- **Authorized signer 2** is the designated representative who is authorized to sign the claims for reimbursement in the absence or incapacity of the first designated individual. This person is the assistant superintendent, business official, principal, headmaster, city or town manager, executive director, or deputy commissioner.

For more information, refer to the CSDE's [Instructions for Submitting Connecticut's Healthy Food Certification Statement](#).

**28. What is the deadline for the HFC Statement?**

The HFC Statement is due to the CSDE by July 1 of each year. The BOE must conduct the two HFC votes (HFC participation and food exemptions) by July 1 or the district is ineligible for participation during the upcoming school year.

**Note:** The CSDE cannot accept draft meeting minutes to approve the HFC application. The district must schedule the initial BOE meeting early enough to enable timely submission of the final BOE-approved meeting minutes to the CSDE by the July 1 deadline (refer to Q-24). If the BOE conducts the HFC votes in June, and final BOE approval of the June minutes does not occur until the next BOE meeting in July or August, the district will not be able to submit the final BOE-approved June minutes by July 1.

#### 29. Who is responsible for overseeing HFC in the school district?

Each district that certifies for the healthy food option under C.G.S. Section 10-215f must designate a district contact person. This person is listed in the contact information section of the online HFC Statement. The HFC district contact person is the point person identified by the district for coordinating, implementing, and monitoring HFC, and ensuring that all foods and beverages available for sale to students comply with the HFC requirements. The HFC district contact person must complete the CSDE's recorded training modules, [Complying with Healthy Food Certification](#), and maintain the knowledge check for each module to document participation. For more information, refer to the CSDE's [Responsibilities of District Contact Person for Healthy Food Certification](#).

### Requirements for Healthy Food Certification

#### 30. What is a school district required to do if it certifies for the healthy food option under C.G.S. Section 10-215f?

Districts that choose to certify for the healthy food option and receive the additional funding must ensure that all foods sold to students separately from reimbursable meals will comply with the CNS. This includes foods offered for sale to students on school premises at all times, in all schools, and from all sources, including school cafeterias, school stores, vending machines, fundraising activities on school premises, and any other sources. Examples of other sources of food sales to students include afterschool programs and activities, such as enrichment programs, extracurricular classes, tutoring sessions, and student clubs; classroom parties that collect a fee to cover the cost of foods and beverages; culinary arts programs; family and consumer sciences classes; recipient schools under interschool agreements (refer to Q-43); a la carte foods sold in the SSO and SFSP; reimbursable snacks in the ASP; summer school programs (e.g., enrichment or exploratory) operated by the BOE or an outside entity (refer to Q-15 and Q-82); vendors on school premises, e.g., food service management companies (FSMCs), food trucks, caterers, online and mobile food delivery companies, and other outside entities that sell foods and beverages to students; and adult education programs operated by the BOE (refer to Q-5, Q-66, and Q-66).

The district must review all commercial foods (refer to Q-46 and Q-47) and foods made from scratch (refer to Q-47) for compliance with the CNS before they are sold to students. The district must also ensure that all individuals responsible for food and beverage sales to students understand the HFC requirements and operate in compliance with the state statutes and regulations, and the federal requirements. For more information, refer to the CSDE's resource, [Ensuring District Compliance with Healthy Food Certification](#).

For information on the specific CNS requirements, refer to the CSDE's [Summary of Connecticut Nutrition Standards](#) and module 3 of the CSDE's [Complying with Healthy Food Certification](#) training program. For additional resources, visit the CSDE's [CNS](#) webpage.

**31. Are there any other restrictions on food sales to students that must be followed if the district certifies for the healthy food option?**

Yes. In addition to the CNS, HFC public schools must also comply with the state and federal laws below.

- **C.G.S. Section 10-221p** requires that at all times when foods are available for purchase by students during the regular school day, nutritious and low-fat foods (including, but not limited to, low-fat dairy products and fresh or dried fruit) must also be available for sale (refer to Q-92). This includes sales of reimbursable meals and sales of competitive foods, including food that comply with the CNS. For more information, refer to [table 1](#) in section 1 of this document.
- **Section 10-215b-1 of the Regulations of Connecticut State Agencies** prohibits selling and giving candy, coffee, tea, and soft drinks to students on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs. For more information, refer to [table 1](#) in section 1 of this document.
- **Section 10-215b-23 of the Regulations of Connecticut State Agencies** requires that the 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 NSFSA. For more information, refer to [table 1](#) in section 1 of this document.
- **The Child Nutrition and WIC Reauthorization Act of 2004 (Section 4 of Public Law 108-265) and the Healthy, Hunger-Free Kids Act of 2010** require that the local educational agency's (LEA) school wellness policy must include nutrition guidelines for all foods and beverages that are sold or given to students on school premises during the school day. At a minimum, the LEA's school wellness policy for foods and beverages must meet all applicable federal and state nutrition standards and requirements. For more information, refer to [table 2](#) in section 1 of this document.
- **Section 7 CFR 210.14 (f) of the NSLP regulations** requires that all revenue from the sale of nonprogram foods must accrue to the NSFSA. For more information, refer to [table 2](#) in section 1 of this document.

For guidance on how the state and federal laws apply to different sources of foods and beverages in HFC public schools, refer to the CSDE's [Requirements for Competitive Foods in HFC Public Schools](#) and [Summary Chart: Federal and State Requirements for Competitive Foods in HFC Public Schools](#). For additional resources, refer to "When the Laws Apply" in section 1.



**32. If the school district contracts to provide meals to another school, is that school required to follow the CNS?**

No. HFC applies to the foods that are made available for sale to students in schools under the certifying district's jurisdiction. A district or school that receives meals under contract from a certifying district is not required to follow the CNS. However, an eligible recipient site could choose to follow the CNS, provided that the interschool agreement indicates the recipient site will comply with HFC (refer to Q-43). For information on interschool agreements, visit the "[Interschool Agreements](#)" section of the CSDE's "[Forms for School Nutrition Programs](#)" webpage.

**33. What is the difference between HFC and the district's school wellness policy?**

HFC addresses foods that are sold to students separately from reimbursable meals. The district's school wellness policy must address all foods that are available (sold and given) to students, including reimbursable meals and competitive foods. For more information, refer to [table 2](#) in section 1 of this document. For more information on school wellness policies, refer to the CSDE's [Action Guide for School Nutrition and Physical Activity Policies](#) and visit the CSDE's [School Wellness Policies](#) webpage.

### Exemptions for Food Items

**34. Can schools ever sell any foods to students if they do not meet the CNS?**

Yes, however only under specific circumstances. Foods that do not meet the CNS cannot be sold to students on school premises unless the BOE votes to allow exemptions and the sales meet the following three exemption criteria: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the food items are not sold from a vending machine or school store. Food exemptions are part of the annual HFC Statement (refer to Q-36). For more information, refer to the CSDE's [Exemptions for Foods and Beverages in Public Schools](#).

**35. What is the meaning of "at the location of the event"?**

"Location" means the same place where the event is being held, such as the gym, soccer field, or auditorium. For example, if the event is a basketball game held in the gym, the noncompliant foods must be sold at the location of the basketball game in the gym. They cannot be sold in another location of the school at the same time. For example, they cannot be sold in the cafeteria at the same time as the basketball game, or on the soccer field at a practice that is being held at the same time as the basketball game.

**36. How does the BOE permit the sale of foods that do not meet the CNS?**

The exemption for foods that do not meet the CNS is included as part of the district's annual HFC Statement (refer to Q-24). When the BOE votes each year to implement HFC, they also vote on whether to allow food exemptions for sales of noncompliant foods that meet the three exemption criteria (refer to Q-34).



The local school district decides what food exemptions to allow. The food exemptions can be general (i.e., any food items are allowed if sales meet the three exemption criteria) or specific (i.e., only certain types of food items are allowed if sales meet the three exemption criteria). The final BOE-approved meeting minutes should indicate whether all events that meet the three exemption criteria specified in the law are exempted or whether only certain events are exempted (e.g., sales are only allowed at sports game, concerts, or theatre productions); and whether all foods that do not meet the CNS are exempted, or only certain foods are exempted (e.g., chips and cookies are allowed, but candy is not).

The BOE could choose to make these details part of district policy. If the BOE decides to make the specific details of food exemptions part of district policy, they remain in effect until the BOE rescinds or revises the existing policy. However, C.G.S. Section 10-215f requires that the BOE must vote on food exemptions each year as part of the annual HFC Statement.

### Funding for Healthy Food Certification

#### **37. What is the funding level for school districts that opt for HFC and when will the funds be paid?**

Districts that choose the healthy food option will receive an additional 10 cents per lunch (within available appropriations), based on the total number of reimbursable lunches (paid, free, and reduced) served in the district in the prior school year for the NSLP. This includes lunches served in the SSO and Head Start Programs operated by the BOE and participating in the NSLP.

The amount of HFC funds is authorized in each fiscal year within available appropriations. Funding may vary slightly each year, depending on the number of districts that choose the healthy food option under C.G.S. Section 10-215f and the total number of lunches served in the NSLP.

HFC funds are distributed in the same manner as state match funds for school lunches. Participating districts will receive 100 percent of the funds in the late spring.

#### **38. Is the funding available each year?**

Yes. The funding is available for each year in which the district certifies that all foods sold to students separately from a reimbursable breakfast or lunch will meet the CNS.

#### **39. Who receives the funds?**

The funds are paid to the district's school food service program, i.e., the NSFSA.

**40. What happens to a school district's regular state match funding if the district decides not to implement HFC?**

There are no financial implications for state match funding if a district chooses not to participate in HFC. The funding level for the regular state match payment for school lunches remains the same because it is separate from the state funding for HFC.

**41. What happens if a district applies for HFC but then drops out during the school year?**

The district would be required to return HFC funds to the CSDE, based on a prorating of the participation period.

### Lunch Counts for Funding

**42. The district contracts to provide lunches to a private school. Are these lunch counts included in the number upon which the district's funding is based?**

No. If a public school contracts to provide lunches to a private school, residential child care institution, or nonprofit organization, these lunches are **not** included in the total number of lunches upon which HFC funding is based. Nonpublic schools are not eligible to participate in HFC (refer to Q-20).

**43. The district contracts to provide lunches to another public school that is eligible for HFC and funding. Are these lunch counts included in the number upon which the district's funding is based?**

Yes, under certain conditions. If a public school district contracts to provide lunches to another public school that is eligible for HFC (refer to Q-18), these lunches are included in the total number of lunches upon which HFC funding is based if 1) the recipient district is included on the district's Agreement for Child Nutrition Programs (ED-099) submitted to the CSDE; and 2) the recipient district certifies on the CSDE's interschool agreement that they will comply with HFC under C.G.S. Section 10-215f. For information on interschool agreements, visit the "[Interschool Agreements](#)" section of the CSDE's "[Forms for School Nutrition Programs](#)" webpage.

**44. Can a district with a new school still certify for the healthy food option? If so, how are the lunch counts determined?**

Yes. A district with a new school can certify for the healthy food option under C.G.S. Section 10-215f. However, funding would only be based on the lunches served in the district's schools that have lunch counts for the prior school year.

If a district with only one school is a new sponsor of the NSLP, the district must wait until the next school year before submitting the HFC Statement and receiving HFC funding. The school must have prior lunch counts for the CSDE to determine HFC funding.

If an eligible district with only one school has less than a full year of operation (e.g., the new school opens in January and has operated for six months), the new individual school sponsor of the NSLP could certify for the healthy food option in the next school year. However, funding for the first year would be based on the actual number of lunches served in the school year prior to the start of HFC, e.g., six months for this example.

## Allowable Food Items

### 45. What foods can be sold if the district certifies for the healthy food option under C.G.S. Section 10-215f?

If a district chooses to certify for the healthy food option under C.G.S. Section 10-215f, all foods (commercial and made from scratch) offered for sale to students on school premises at all times, in all schools, and from all sources must meet the CNS. This includes school cafeterias, vending machines, school stores, fundraisers, culinary programs, and any other sources of food sales to students (refer to Q-30). Foods that do not meet the CNS cannot be sold to students on school premises unless the BOE votes to allow exemptions and the sales meet the three exemption criteria (refer to Q-34).

### 46. How does the district determine whether a purchased food item meets the CNS?

Districts are responsible for determining that all food items sold to students separately from reimbursable meals meet the CNS **before** they are purchased and sold to students. For commercial food items, the CSDE strongly encourages schools to use the CSDE's [List of Acceptable Foods and Beverages](#) webpage. This webpage includes brand-specific lists of commercial foods that meet the CNS and commercial beverages that meet the requirements of C.G.S. Section 10-221q.

### 47. If a purchased food item is not included on the CSDE's list, what should the district do?

The food item **cannot** be sold to students until the district verifies that it meets the CNS. Districts should submit the product's nutrition information (nutrition facts label, package size, ingredients, and product code) to the CSDE. The CSDE will evaluate the product for compliance with the CNS. If the product meets the CNS, it will be added to the CSDE's [List of Acceptable Foods and Beverages](#) webpage (refer to Q-46). The CSDE's resource, [Submitting Food and Beverage Products for Approval](#), provides information on what schools must submit for the CSDE to refer to foods and beverages for compliance.

### 48. How does the district determine whether foods made from scratch meet the CNS?

If foods from scratch are sold separately from reimbursable meals, districts are responsible for determining that these foods meet the CNS before they are sold to students. Foods prepared 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 (carte (i.e., not as part of reimbursable NSLP and SBP meals) such as pizza, chef's salad, lasagna, and

sandwiches; soups; cooked grains (such as 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 such as 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. **Note:** Adding ingredients to a commercial product changes its nutrition information. To determine CNS compliance, these foods require a standardized recipe that indicates the amount of each ingredient and the nutrition information per serving.

Before selling any foods made scratch to students (separately from reimbursable meals), schools must document that the standardized recipe's serving complies with the CNS. The required CNS documentation for foods made from scratch includes: 1) an accurate standardized recipe that indicates the calories, fat, saturated fat, trans 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 (refer to the "[CNS Worksheets](#)" section of the CSDE's CNS webpage). 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.

If the standardized recipe is missing any nutrition information, schools must conduct a nutrient analysis. This applies to the cafeteria and any other sources that sell foods made from scratch to students, separately from reimbursable meals, e.g., fundraisers, culinary arts programs, family and consumer sciences classes, and parent-made foods. For additional guidance on 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 the "Foods Made from Scratch" section of the CSDE's CNS webpage. Training is available in "Module 4: Evaluating Foods for CNS Compliance" of the CSDE's [Complying with Healthy Food Certification](#) training program.

**49. The district has a culinary arts program that prepares and sells food items to students and school staff members. Are these foods required to meet the CNS?**

Yes. For foods sold to students, the culinary arts program must conduct a nutrient analysis of the standardized recipes to ensure they meet the CNS before they are sold to students (refer to Q-48). Culinary programs are not events, and therefore do not meet the exemption criteria (refer to Q-34). The CNS does not apply to foods sold to school staff

members (refer to Q-68).

**Note:** If the culinary program sells foods that meet the CNS to students, the culinary program must also comply with all other applicable state and federal requirements (refer to Q-31 and [table 1](#) and [table 2](#) in section 1). Per Section 10-221p, nutritious and low-fat foods must also be available for sale from the culinary program or elsewhere in the school at the same time (refer to Q-92). Per Section 10-215b-23 of the state regulations, the gross income from any foods or 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 NSFSA (refer to Q-31). For more information, refer to the CSDE's [Overview of Connecticut Competitive Foods Regulations](#).

**50. Can foods that do not meet the CNS still be sold to students as a la carte items in the cafeteria, i.e., separately from the reimbursable meal?**

No. If a district certifies for the healthy food option under C.G.S. Section 10-215f, the CNS applies to all foods sold to students separately from reimbursable meals, e.g., cafeteria a la carte items. A la carte foods that do not meet the CNS can never be sold in the cafeteria. For more information, refer to the CSDE's [Requirements for Cafeteria A La Carte Foods and Beverages in HFC Public Schools](#).

**51. The high school has an a la carte breakfast program that is not part of the SBP. Are these foods required to meet the CNS?**

Yes. A la carte breakfast foods are not part of a reimbursable breakfast. If the district certifies for the healthy food option under C.G.S. Section 10-215f, the CNS applies to all foods sold to students separately from reimbursable meals. A la carte foods (including a la carte breakfast foods) that do not meet the CNS can never be sold in the cafeteria. For more information, refer to the CSDE's [Requirements for Cafeteria A La Carte Foods and Beverages in HFC Public Schools](#).

**52. The school sponsors an annual honors award breakfast for students and parents, but no fee is charged to attend. Are these foods required to meet the CNS?**

No. C.G.S. Section 10-215f applies only to foods that are **sold** to students, not to foods that are given away at no charge. The determination of what foods can be given to students in school would be governed by the district's local school wellness policy (refer to Q-33). (For the definitions of "sales" and "giving," refer to the [Glossary](#).)

**Note:** If the honors award breakfast occurs while any CNPs are operating (such as the SBP), Section 10-215b-1 of state regulations prohibits giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. (For the definition of "soft drinks," refer to the [Glossary](#).)

- 53. A parent group wants to sell foods that do not meet the CNS (e.g., doughnuts and coffeecake) and beverages that do not meet the statutory requirements (e.g., coffee, tea and cocoa) to parents and students at a meeting that occurs before school starts. Is this acceptable?**

No. Meetings are not events (refer to definition of “event” in the Glossary), and therefore are not eligible for food exemptions under the state statutes. C.G.S. Sections 10-221q and 10-215f allow exemptions only when food and beverages are sold at the location of an event occurring after the school day or on the weekend. (For the definition of “school day,” refer to the [Glossary](#).) The noncompliant foods and beverages could be sold to parents, but not students (refer to Q-68).

- 54. Can a vending machine with foods not meeting the CNS remain in a school if it is not turned on until after the end of the school day?**

No. Foods that do not comply with the CNS can never be sold to students from vending machines under any circumstances. C.C.S. Section 10-215f specifically prohibits exemptions for vending machines. For more information, refer to the CSDE’s [Requirements for Foods and Beverages in Vending Machines in HFC Public Schools](#).

- 55. Can a school store sell foods not meeting the CNS if it is not open until after the end of the school day?**

No. Foods that do not comply with the CNS can never be sold to students from school stores under any circumstances. C.C.S. Section 10-215f specifically prohibits exemptions for school stores. For more information, refer to the CSDE’s [Requirements for Foods and Beverages in School Stores in HFC Public Schools](#).

- 56. Does HFC apply to foods purchased by students on field trips?**

No. The CNS does not apply to foods sold to students off school premises. HFC applies only to foods sold to students on school premises in schools under the district’s jurisdiction.

- 57. Does HFC apply to foods supplied by parents or teachers for classroom parties?**

No. HFC applies only to the sale of foods to students. However, if a fee is collected to cover the cost of foods given to students for classroom parties, the foods are being sold to students and must meet the CNS. For information on healthy parties, refer to the CSDE’s resource, [Healthy Celebrations](#).

The determination of what foods can be given to students in school is governed by the district’s local school wellness policy (refer to Q-33). However, if the classroom party occurs while any CNPs are operating (such as the NSLP, SBP, or ASP), Section 10-215b-1 of state 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. (For the definition of “sales,” “giving,” and “soft drinks,” refer to the [Glossary](#).)

- 58. Parents send in money to teachers to purchase food that is provided as snacks to children in the classroom during the school day. If the district certifies for the healthy food option under C.G.S. Section 10-215f, are these snacks required to meet the CNS?**

Yes. When money is exchanged for foods provided to students on school premises, this constitutes the sale of foods to students (refer to definition of “sale” in the Glossary). If the district certifies for the healthy food option under C.G.S. Section 10-215f, all foods purchased and provided to the children as classroom snacks must meet the CNS.

- 59. The district operates a fee-based program or activity after school that includes a snack. Students must pay a fee to participate in the program and the fee includes the cost of providing the snack. Do the snack foods have to comply with the CNS?**

Yes. Since the cost of providing the snack foods to the students is included in the fee for the program, the foods are being sold to students and must meet the CNS. (For the definition of “sales,” refer to the [Glossary](#).) For information on how this applies to beverages, refer to Q-3.

- 60. The school store sells cough drops to students. Are these considered a food, and therefore subject to the CNS if the district certifies for the healthy food option?**

Cough drops are considered a medicinal preparation, and therefore should not be sold in a school store or anywhere else on school grounds. As with any medication, cough drops should only be administered in compliance with the state medication laws and regulations. For more information, refer to C.G.S. [10-212a](#) and Sections 10-212a-1 through 10-212a-10 of the Regulations of Connecticut State Agencies, [Administration of Medication by School Personnel and Administration of Medication During Before- and After- School Programs and School Readiness Program](#).

- 61. Can breath mints be sold to students in the school store?**

No. Breath mints (including sugarless breath mints) are considered candy and are therefore not allowed for sale to students if the district has certified for the healthy food option under C.G.S. Section 10-215f.

**Note:** If the district does **not** certify for the healthy food option under C.G.S. Section 10-215f, the sale of breath mints is still governed by Section 10-215b-1 of the Regulations of Connecticut State Agencies, which prohibits schools from selling or dispensing candy (including breath mints and sugarless candy) to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs (refer to Q-31). Additionally, Section 10-215b-23 requires that the income from any food or beverage sales during this time must accrue to the NSFSA. For more information, refer to the CSDE’s [Overview of Connecticut Competitive Foods Regulations](#) and [CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).



Effective July 1, 2014, the USDA's Smart Snacks nutrition standards prohibit public schools, private schools, and RCCIs from selling candy to students during the school day (the period from midnight before to 30 minutes after the end of the official school day) on all areas of the school campus. Therefore, in non-HFC public schools, the federal requirements supersede the time in Section 10-215b-1 of the state regulations and extend the restrictions for candy sales (including sugarless breath mints) to the entire school day.

**62. Can candy, mints and chewing gum (including sugarless candy, mints, and gum) be sold to students?**

No. Candy, mints, and chewing gum (including regular and sugarless) do not meet the CNS. Candy, mints, and gum provide calories from fats and/or sugars but few, if any, nutrients. Sugarless candy and gum contain nonnutritive sweeteners or sugar alcohols, which are prohibited by the CNS. Candy, mints, and gum cannot be sold to students at school unless the BOE votes to allow exemptions and the sales meet the three exemption criteria (refer to Q-34). (For the definition of “nonnutritive sweeteners” and “sugar alcohols,” refer to the [Glossary](#).)

**63. How does the CNS apply to condiments?**

All foods are evaluated for compliance with the CNS based on the amount of the food item as served, including any added accompaniments such as butter, cream cheese, syrup, ketchup, mustard, and salad dressing. Examples include bagel with cream cheese, roll with margarine, hamburger with ketchup, chicken nuggets with dipping sauce, taco with taco sauce, french fries with ketchup, salad with dressing, carrots with low-fat ranch dressing, apple slices with caramel dipping sauce, fried rice with duck sauce, and pasta with butter or margarine.

When foods are served with accompaniments, schools must maintain documentation to indicate 1) the combined amount of the nutrients in one serving of the food plus the accompaniment; and 2) that the combined amount of the nutrients in the serving of the food plus the accompaniment complies with the CNS. Schools must complete the appropriate CNS Excel worksheet documenting that the food and accompaniment together comply with the CNS (refer to Q-48). The CNS Excel worksheets are available on the “[How To](#)” section of the CSDE’s CNS webpage. For additional guidance, refer to module 4 of the CSDE’s [Complying with Healthy Food Certification](#) training program.

**64. A school uses tokens or an equivalent item (e.g., coupons, stars, or stickers) to reward children for good behavior or good grades. These tokens can be redeemed by the students for foods such as cookies and ice cream. Does this count as sales to students?**

Yes. The dictionary defines “sale” as “the exchange of property or services for a determined amount of money or its equivalent.” If the district certifies for the healthy food option under C.G.S. Section 10-215f, then all foods sold to students or provided to students in exchange for tokens or other items must meet the CNS. The CSDE strongly



encourages schools to use other rewards or nonfood items. For more information, refer to the CSDE's resource, [Alternatives to Food Rewards](#).

**65. The cafeteria does not serve lunch on some days, such as the last day of school and half days. Teachers collect money from students to purchase pizza and drinks, e.g., soda and lemonade. Is this allowable if the district has certified for the healthy food option?**

No. C.G.S. Section 10-221q specifies the five categories of beverages that can be sold to students (refer to Q-1). Soda and lemonade are not included in these categories. If the district has certified for the healthy food option under C.G.S. Section 10-215f, the pizza cannot be sold to students unless it meets the CNS. The school must obtain nutrition information for the pizza and determine that the serving complies with the CNS before selling it to students (refer to Q-46 and Q-47 for commercial products and Q-48 for foods made from scratch).

If the pizza complies with the CNS, the pizza sales must also comply with all other applicable state and federal requirements (refer to Q-30 and [table 1](#) and [table 2](#) in section 1). Per Section 10-221p, nutritious and low-fat foods must also be available for sale during the pizza lunch or elsewhere in the school at the same time (refer to Q-92). Section 10-215b-23 of the Regulations of Connecticut State Agencies (refer to Q-30) would not apply in this case because the federally funded meal service is not in operation.

**Note:** If the pizza lunch is sold on a regular school day, the lunch period must comply with C.G.S. Section 10-221o. This statute requires that schools must offer all full-day students a lunch period of at least 20 minutes (refer to [table 1](#) in section 1).

**66. An adult education program with high school age students is operated under the jurisdiction of the BOE. It is in a separate building from the district's elementary, middle and high schools. There are no meals served in the program but there are vending machines operated by the BOE. Do the foods sold in the vending machine have to comply with the CNS if the district certifies for the healthy food option under C.G.S. Section 10-215f?**

Yes. The HFC statute does not define students as being of a particular age, nor does it distinguish between regular and adult education programs. It says that the district must certify that "all food items available for sale to students in schools under its jurisdiction" meet the CNS. However, the statute applies only to the sale of foods that are under the control of the adult education program. If the school district rents, leases, or borrows building space for an adult education program and the building owner maintains any sources of food sales (e.g., vending machines and food kiosks), these foods are not required to comply with the CNS. For more information, refer to the CSDE's memo, [Requirements for Selling Food and Beverages in Adult Education Programs](#).

- 67. If an adult education program operated under the jurisdiction of the BOE does not contain school-age students, are foods still required to meet the CNS?**

Yes. The statute does not define students as being of a particular age (refer to Q-66).

- 68. Can schools sell foods that do not meet the CNS to teachers?**

Yes. The HFC statute applies only to the sale of food to students. Schools can sell foods that do not meet the CNS to teachers and other school staff members, as long as these foods are not accessible to students. However, the CSDE encourages districts to consider this issue in relation to the promotion of staff wellness practices and the district's school wellness policy.

- 69. Can students order food from a mobile food delivery company that will be delivered to the student on school premises?**

No. The HFC statute applies to all sales of foods to students on school premises. This includes all student orders for foods on school premises, regardless of how students pay for these foods, e.g., cash, ticket, credit card, or online payment. Students cannot order and receive foods on school premises unless these foods comply with the CNS. It would be difficult for the district to verify that foods delivered from an online or mobile food delivery company comply with the CNS. Therefore, these sales are not allowed unless the online or mobile food delivery company could provide (and the district could verify) documentation that the foods comply with the CNS.

## Fundraisers

Due to variations in local fundraising activities, districts are strongly encouraged to contact the CSDE for assistance in determining whether school fundraisers comply with the HFC requirements. For more information on fundraisers, refer to “Module 6: Fundraisers” of the CSDE’s [Complying with Healthy Food Certification](#) training program and visit the CSDE’s [HFC](#) webpage. A sample form that districts can use to review local fundraisers for compliance with the HFC requirements and the other laws for competitive foods is available on the same webpage.

**70. How does the district’s HFC apply to fundraisers?**

HFC includes all foods offered for sale to students at all times and from all sources, including fundraising activities on school premises. Therefore, a food fundraiser on school premises must always meet the CNS unless the BOE votes to allow exemptions and the fundraiser is held at the location of an event that occurs after the school day or on the weekend (refer to Q-34).

**71. Are fundraisers that are sponsored by an outside organization required to meet the CNS if they are held on school premises?**

Yes. If the district certifies for the healthy food option under C.G.S. Section 10-215f, all foods sold to students on school premises must meet the CNS. This applies to all fundraisers held on school premises, regardless of whether they are sponsored by the school or an outside organization. Fundraisers on school premises are not allowed unless the BOE votes to allow exemptions and the fundraisers are held at the location of an event that occurs after the school day or on the weekend (refer to Q-34).

**72. Fliers for a food fundraiser are handed out during the school day for students to take home. Students bring the order forms and money back to school and pick up the food items. Does the CNS apply to this fundraiser?**

Yes. If the student is involved in delivering money to school for the food items and picking up the food items at school, the fundraiser is selling food to students on school premises. However, the fundraiser would **not** be selling food to students on school premises if students deliver the food orders and money to the school, but parents or other adults pick up the food items. The school must clearly indicate this procedure on the fundraising flier and other written communications regarding the fundraiser.

Students cannot bring home food fundraiser items at the end of the school day, regardless of how the payment comes into school. Any fundraiser where students are picking up noncompliant foods at school is not in compliance with HFC under C.G.S. Section 10-215f.

A school district that certifies for the healthy food option under C.G.S. Section 10-215f is responsible for ensuring that each school under its jurisdiction follows the fundraiser requirements. If the CSDE, while monitoring compliance, determines that a participating school district has permitted the sale of food to students in violation of this provision, it would require the district to return the additional funding provided pursuant to C.G.S. Section 10-215b. Therefore, school officials must decide whether they can effectively ensure that such fundraisers will comply with the statutory mandates.

**73. A school cookie dough fundraiser is sold after school hours via a handout that is sent home with students. Parents pay for and pick up the cookie dough after school. Is this fundraiser allowed?**

Yes. While the fundraising flier is sent home with the students, the students are not involved in delivering the money to school for the food items and picking up the food items at school. If the parents are purchasing and picking up the food item, the fundraiser is not selling to students, and would therefore be acceptable.

**74. Can a school sell frozen foods such as cookie dough, pies, and bread dough to students if they are only sold frozen so students cannot eat them?**

No. C.G.S. Section 10-215f does not make any exceptions for when the food is consumed or what form the food is in. The statute states that the CNS applies to all food items made available for sale to students in schools under the district's jurisdiction. Therefore, the CNS applies regardless of whether the foods are intended for consumption immediately (e.g., candy bar and cupcakes) or later (e.g., frozen cookie dough and pies).

**75. The PTA wants to hold a bake sale in a school that is closed for election day and teacher in-service days. The bake sale is run by students. The BOE has voted to allow food exemptions. Is this fundraiser allowed?**

Yes. Election day and teacher in-service days are events. Since the school is closed for the day, this situation would meet the criteria of foods being sold at the location of an event that occurs after the school day (refer to exemption conditions in Q-34).

**76. Tickets are sold during the school day for a pasta dinner that will be held for parents and students in the evening at school. Is this acceptable if the BOE has voted to allow food exemptions?**

Yes. The pasta dinner is an event because it is a gathering of people for a social purpose that involves more than just selling food. If the BOE has voted to allow food exemptions, the food sold at the pasta dinner is exempt from the CNS because the pasta dinner meets all three exemption conditions (refer to Q-34).

**77. Can a school sell gift cards, coupons, or tickets to students that are redeemable for food?**

It depends on whether the foods meet the CNS. Selling gift cards, coupons, tickets, entertainment books, tokens, or similar items that are redeemable for food is the same as selling food to students (refer to definition of "sale" in the Glossary). This includes coupons

or gift cards that are redeemable at businesses selling food, e.g., restaurants, convenience stores, fast food chains, and local dining establishments. If the district chooses the healthy food option under C.G.S. Section 10-215f, fundraisers of gift cards or similar items must meet one of the following four conditions: 1) all foods that can be purchased with the coupons or similar items meet the CNS; 2) the BOE allows food exemptions and the coupons or similar items are sold at an event that meets the three exemption conditions (refer to Q-34); 3) students bring in the orders and money to school but a parent or other adult picks up the coupons or similar items for delivery to customers; or 4) the fundraiser is conducted online.

Fundraisers selling gift cards that are redeemable only at supermarkets (e.g., Big Y, Stop & Shop and Price Chopper) are allowed. Students may bring the orders and money for the gift cards to school and take the gift cards home. This applies only to gift cards for supermarkets because they are intended to provide basic foods that feed families, versus the wide array of unhealthy choices at convenience stores, fast food chains, local dining establishments, and other similar establishments. In addition, the CSDE strongly encourages the district to let families know that the district is participating in HFC and encourage them to redeem their gift cards for healthy choices, such as nutrient-rich foods like fruits, vegetables, whole grains, low-fat or nonfat dairy products, lean meat, skinless poultry, fish, eggs, and beans.

**78. During the school day, the PTA sells tickets or coupons for food (e.g., candy or cookies) but the food is given out to students after school hours. Are these food items required to meet the CNS?**

Yes. This type of fundraiser is not allowed during the school day. Selling tickets or coupons that are redeemable for food items is the same as selling food to students (refer to definition of “sale” in the Glossary). If the district certifies for the healthy food option under C.G.S. Section 10-215f, the CNS applies to all foods sold to students separately from reimbursable meals. It does not matter when students order, purchase, receive, or consume the foods (refer to Q-74).

During the school day, schools can never sell students tickets that can be exchanged for noncompliant foods such as cookies and candy. Schools cannot sell tickets for noncompliant foods unless the BOE votes to allow exemptions and the ticket sales are held at the location of an event that occurs after the school day or on the weekend (refer to Q-34).

**79. Can a school-sponsored food fundraising event be conducted during the school day if it is not on school grounds, e.g., a bake sale is held at a local grocery store to raise money for a sports team?**

Yes. HFC applies only to sales of foods and beverages to students on school premises, i.e., buildings under the jurisdiction of the BOE.

**80. Can the district conduct food fundraisers for parents and school staff?**

Yes. If foods are only sold to adults, the fundraiser can occur during the school day and the foods are not required to meet the CNS. HFC applies only to the sale of food to students.

**Note:** The sale of food in adult education programs that are under the jurisdiction of the BOE must meet the CNS (refer to Q-66).

**81. Do schools need to eliminate food fundraisers if the district certifies for the healthy food option?**

No. Schools can sell noncompliant foods as fundraisers if the BOE votes to allow exemptions and the fundraisers are held at the location of an event that occurs after the school day or on the weekend (refer to Q-33). Most school fundraisers can be conducted as usual or modified to meet the HFC requirements.

Foods that meets the CNS can be sold to students without meeting the three exemption conditions. There are many snack foods (e.g., cookies, granola bars, trail mixes and frozen desserts) that meet the CNS, are appealing to students, and can be used for fundraisers. The CSDE's [List of Acceptable Foods and Beverages](#) webpage includes brand-specific commercial products that meet the CNS and the state beverage requirements.

The CSDE strongly encourages districts to consider nonfood fundraising alternatives. The CSDE's resource, [Healthy Fundraising](#), provides suggestions for fundraising with healthy food items and nonfood items and activities.

**Note:** Fundraisers that sell foods that meet the CNS to students must also comply with all other applicable state and federal requirements (refer to Q-30, and [table 1](#) and [table 2](#) in section 1). Per Section 10-221p, nutritious and low-fat foods must also be available for sale from the fundraiser or elsewhere in the school at the same time (refer to Q-92). Per Section 10-215b-23 of the state regulations, the gross income from any foods or 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 NSFS (refer to Q-30). For more information, refer the CSDE's [Overview of Connecticut Competitive Foods Regulations](#). Training is available in "Module 5: Laws for Foods and Beverages in HFC Schools" of the CSDE's [Complying with Healthy Food Certification](#) training program.

## Afterschool Snack Program

### 82. Does HFC apply to the Afterschool Snack Program?

Yes. If a district chooses to certify for the healthy food option under C.G.S. Section 10-215f, all foods offered in the ASP must meet the CNS and the USDA's ASP meal pattern. For information on the ASP meal pattern for grades K-12 and the ASP meal pattern for preschoolers, visit the CSDE's [Afterschool Snack Program](#) webpage.

### 83. Can the CSDE's List of Acceptable Foods and Beverages webpage be used to identify snack items that meet the meal pattern requirements for the Afterschool School Program (ASP)?

No. The CSDE's webpage identifies brand-specific commercial products, including foods that meet the CNS and beverages that meet C.G.S. Section 10-221q. However, it does not indicate which items meet the USDA's meal pattern requirements. For example, the portion size of a granola bar that meets the CNS might not meet the USDA requirements for the grains component in the ASP meal pattern. Menu planners must ensure that any snack items served in the ASP meet both the ASP meal pattern and the CNS.

## Summer School Programs

### 84. Does HFC apply to summer school programs (e.g., enrichment or exploratory programs)?

Yes. If the summer school program is operated in a school building or on school property, all foods sold to students in the summer school program must meet the CNS (refer to Q-30).

A summer school program operated by the school district is part of the regular school day. Foods that do not comply with the CNS cannot be sold to students on school premises unless the BOE votes to allow exemptions and the sales are at the location of an event that occurs after the regular school day or on the weekend (refer to Q-33). (Refer to Q-17 for clarification of "regular school day" for a summer school program.)

A summer program that is not operated by the school district is outside of the regular school day. If the BOE has voted to allow exemptions, foods that do not comply with the CNS could be sold at the location of an event that occurs anytime on school premises.



### Monitoring Compliance

#### 85. How does the CSDE monitor school districts that participate in HFC?

The CSDE monitors all school districts that certify for the healthy food option to ensure that all foods sold to students separately from reimbursable meals comply with the CNS. All HFC districts must submit annual documentation that is reviewed by the CSDE. HFC documentation materials (refer to Q-85). The CSDE also reviews HFC compliance during the state Administrative Review of the district's CNPs.

#### 86. How will the school district demonstrate compliance with HFC?

The certifying BOE is responsible for ensuring compliance with HFC. The district is required to develop procedures and maintain documentation to demonstrate that 1) all commercial products and foods made from scratch offered for sale to students separately from reimbursable meals on school premises at all times, in all schools, and from all sources comply with the CNS (refer to Q-29); and 2) any sales of noncompliant foods to students on school premises meet the three exemption criteria required by C.G.S. Section 10-215f (refer to Q-33). For information on evaluating commercial foods, refer to Q-46 and Q-47. For information on evaluating foods made from scratch, refer to Q-47.

Examples of documentation include a list of foods and beverages sold from each source, such as the cafeteria, school stores, and vending machines; a fundraiser approval form that determines if a fundraiser complies with the state statutes and regulations (refer to the CSDE's [Sample Fundraiser Form for Healthy Food Certification](#)); and a description of the process used to ensure that all foods meet the CNS. The CSDE provides additional guidance and annual training to HFC school districts on the HFC documentation requirements. For more information, visit the "[Documents/Forms](#)" section of the HFC webpage.

#### 87. What documentation materials are districts required to submit to the CSDE?

All districts must complete and submit the online HFC Compliance Form each year. Selected districts that meet certain criteria must also submit lists of foods and beverages sold to students from all sources, including school cafeterias, school stores, vending machines, fundraising activities on school premises that do not meet the exemption criteria (refer to Q-33), and any other sources of food sales to students (refer to Q-29). Lists of foods and beverages are required if the district: 1) is scheduled for a state refer to of the NSLP during the current school year; 2) did not implement HFC during the prior school year; or 3) had significant compliance issues during the prior school year's HFC refer to. Districts that meet any of these criteria for the current school year are listed in [Districts Required to Submit Lists of Foods and Beverages](#). For more information, refer to the CSDE's [Guidance for Documenting Compliance with Healthy Food Certification](#) and visit the "[Documents/Forms](#)" section of the CSDE's HFC webpage (refer to Q-86).



**88. How do districts obtain the HFC documentation forms?**

The documentation forms are available in the “[Documents/Forms](#)” section of the CSDE’s HFC webpage. The current year’s forms are posted by September of each year.

**89. When is the deadline for submitting the HFC documentation forms to the CSDE?**

The HFC documentation forms are due to the CSDE by **November 30** of each year.

**90. What are the penalties for noncompliance with HFC?**

If a district fails to comply with HFC, the CSDE can require the district to return funds.

**91. What training is required to ensure HFC compliance?**

The district must participate in all required CSDE training on HFC compliance. The district’s designated HFC contact person must complete the CSDE’s [Complying with Healthy Food Certification](#) training program (refer Q29). The CSDE also recommends this training program for all individuals who coordinate sales of competitive foods to students on school premises. Examples include school food service staff and coordinators of food and beverage sales such as fundraiser coordinators, school store operators, vending machine operators, teachers and other school staff, athletic directors, and leaders of student organizations and parent groups.

The district’s designated HFC contact person must ensure that all schools in the district comply with HFC. This includes providing guidance, training, and technical assistance to individuals who coordinate sales of foods and beverages to students in the district.

For additional guidance on the HFC documentation requirements, refer to the CSDE’s resources, [Guidance for Documenting Compliance with Healthy Food Certification](#) and [Responsibilities of District Contact Person for Healthy Food Certification](#), and visit the “[Documents/Forms](#)” section of the CSDE’s HFC webpage.



## 4 — Requirement for Selling Nutritious, Low-fat Foods (C.G.S. Section 10-221p)

Compliance with this statute is required for all public schools even if the district does not participate in the CNPs or does not choose the healthy food option of HFC under C.G.S. Section 10-215f.

### Requirements for Selling Nutritious, Low-fat Foods

**92. What are the requirements of C.G.S. Section 10-221p.**

C.G.S. Section 10-221p requires that at all times when foods are available for purchase by students during the regular school day, nutritious and low-fat foods must also be available for sale. These foods include, but are not limited to, low-fat dairy products and fresh or dried fruit.

**93. Do the requirements apply even if the district chooses not to implement the healthy food option under C.G.S. Section 10-215f?**

Yes. C.G.S. Section 10-221p is not optional. It applies to all public schools, regardless of whether they have chosen the healthy food option under C.G.S. Section 10-215f or participate in the CNPs.

**94. Does C.G.S. Section 10-221p apply to foods sold in the NSLP and SBP?**

Yes. When any a la carte foods are sold in the NSLP or SBP, public schools must ensure that low-fat dairy products and fresh or dried fruit are also available for sale at mealtimes.

**95. Does C.G.S. Section 10-221p apply to the Afterschool Snack Program?**

No. The statute does not apply to the ASP, since this program is not part of the “regular school day.”

**96. Does C.G.S. Section 10-221p apply to the Special Milk Program?**

No. The statute applies only to food. However, milk sold in the SMP must meet the requirements of C.G.S. Section 10-221q (state beverage statute) and Smart Snacks (refer to Q-1).

**97. Please provide examples of what is required under this statute.**

Whenever any foods are available for purchase in a public school during the school day, low-fat dairy products and fresh or dried fruits must be available in the school at the same time for purchase by students. “Foods available for purchase” includes foods sold in vending

## 4 | Requirement for Selling Nutritious, Low-fat Foods

machines, school stores, fundraisers, and any other food sales in schools during the school day. The examples below illustrate these requirements.

**A. Snack machines:** If a snack machine that sells chips, cookies, and other snack foods is available to students during the school day, the school must also have low-fat dairy products and fresh or dried fruit available for purchase at the same time. Since snack machines are not typically refrigerated, low-fat dairy products and fresh fruit cannot usually be provided in the snack machine. If the snack machine is operating during cafeteria hours, having low-fat dairy products and fresh or dried fruit available as part of the meal service is acceptable. If the snack machine is operating outside of cafeteria hours, schools must make alternate provisions to offer low-fat dairy products and fresh or dried fruit at the same time.

- **Snack machines in HFC public schools:** All foods sold in vending machines must meet the CNS (refer to Q-29). Foods that do not meet the CNS can never be sold to students from a vending machine under any circumstances (refer to Q-53). In addition, all vending machines must comply with Section 10-215b-23 of state regulations, which requires that the gross income from any foods or 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 NSFSA (refer to Q-30). This includes sales of foods that comply with the CNS and beverages that comply with C.G.S. Section 10-221q and Smart Snacks. For more information, refer to the CSDE's [Requirements for Foods and Beverages in Vending Machines in HFC Public Schools](#), [Overview of Connecticut Competitive Foods Regulations](#), and [CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).
- **Snack machines in non-HFC public schools:** All foods sold in vending machines must meet Smart Snacks (refer to [table 2](#) in section 1). In addition, all vending machines must comply with Section 10-215b-23 of state regulations, which requires that the gross income from any foods or 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 NSFSA (refer to Q-30). This includes sales of foods that comply with Smart Snacks and beverages that comply with C.G.S. Section 10-221q and Smart Snacks. For more information, refer to the CSDE's [Requirements for Foods and Beverages in Vending Machines in Non-HFC Public Schools](#), [Overview of Connecticut Competitive Foods Regulations](#), and [CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

**B. School stores:** If the school store sells food, low-fat dairy products and fresh or dried fruit must also be available for purchase at the same time, either in the school store or elsewhere on school premises while the school store is selling food.

- **School stores in HFC public schools:** All foods sold in school stores must meet the CNS (refer to Q-29). Foods that do not meet the CNS can never be sold to students from school stores under any circumstances (refer to Q-54). In addition, all school stores must comply with Section 10-215b-23 of state regulations, which requires that the gross income from any foods or 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 NSFSA (refer to Q-30). This includes sales of foods that comply with the CNS and beverages that comply with C.G.S. Section 10-221q and Smart Snacks. For more information, refer to the CSDE's [Requirements for Foods and Beverages in School Stores in HFC Public Schools](#), [Overview of Connecticut Competitive Foods Regulations](#), and [CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).
- **School stores in non-HFC public schools:** All foods sold in school stores must meet Smart Snacks (refer to [table 2](#) in section 1). In addition, all school stores must comply with Section 10-215b-23 of state regulations, which requires that the gross income from any foods or 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 NSFSA (refer to Q-30). This includes sales of foods that comply with Smart Snacks and beverages that comply with C.G.S. Section 10-221q and Smart Snacks. For more information, refer to the CSDE's [Requirements for Foods and Beverages in School Stores in Non-HFC Public Schools](#), [Overview of Connecticut Competitive Foods Regulations](#), and [CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

**C. Fundraisers:** If a cookie fundraiser is held during the school day, low-fat dairy products and fresh or dried fruit must be available for purchase while the fundraiser is being held, either at the location of the fundraiser or elsewhere on school premise at the same time.

**Note:** This fundraiser is not allowed unless the cookie complies with the applicable state or federal nutrition standards, i.e., the CNS for HFC public schools and Smart Snacks for non-HFC public schools.

- **Fundraisers in HFC public schools:** The cookies must comply with the CNS (refer to Q-29). A fundraiser cannot sell foods that do not meet the CNS to students on school premises unless the BOE votes to allow exemptions and the fundraiser occur at the location of an event held after the school day or on the weekend (refer to Q-33). In addition, all fundraisers must comply with Section 10-

## 4 | Requirement for Selling Nutritious, Low-fat Foods

215b-23 of state regulations, which requires that the income from any foods or 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 NSFSA (refer to Q-30). This includes sales of foods that comply with the CNS and beverages that comply with C.G.S. Section 10-221q and Smart Snacks. For more information, refer to the CSDE's [Requirements for Food and Beverage Fundraisers in HFC Public Schools](#) and [Overview of Connecticut Competitive Foods Regulations](#) and [CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

- **Fundraisers in non-HFC public schools:** The cookies must comply with Smart Snacks (refer to [table 2](#) in section 1). In addition, all fundraisers must comply with Section 10-215b-23 of state regulations, which requires that the income from any foods or 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 NSFSA. This includes sales of foods that comply with Smart Snacks and beverages that comply with C.G.S. Section 10-221q and Smart Snacks. For more information, refer to the CSDE's [Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools](#) and [CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

### Schools Selling Only Meals (No A La Carte Items)

98. **A school sells only the school meal (breakfast and lunch), which always includes fresh fruit choices as the required fruits component in the USDA meal pattern. There are no a la carte items sold in the cafeteria. Since the meal contains “food,” is the school required to start selling the a la carte items listed in C.G.S. Section 10-221p?**  
No. If the school is solely offering a reimbursable school meal (breakfast or lunch) without any a la carte choices, then the school is not required to sell the additional foods listed in C.G.S. Section 10-221p. A reimbursable meal meets the meal pattern requirements of the NSLP or SBP.

The statute requires that when foods are offered for sale during the school day, the alternative items listed in the statute must also be provided. The statute does not apply to the full reimbursable meal, unless the school is providing additional a la carte items for sale during the school breakfast or lunch period. The intent behind the legislation is that students are given healthy choices when foods are available for sale. If foods are offered for purchase during the school day from any entity (such as the cafeteria, vending machines, a student group, or a parent organization), the school is also required to offer for sale the items listed in C.G.S. Section 10-221p.

- 99. The district satellites school meals to the elementary schools. No a la carte items are sold, just the school meal. No money is collected at the school where the meals are served. Tickets are prepaid at the beginning of the week. Are the schools required to sell a la carte items when they did not sell them before?**

The statute does not specify when the sale takes place. In other words, it makes no difference that the money is collected at the beginning of the week instead of when the foods are provided to the students. However, for the reasons stated in Q-96, schools are not required to add low-fat dairy products and fresh or dried fruit as a la carte items to the regular school breakfast or lunch, if there are no other food or beverage items available to the students during the breakfast or lunch period.

### Community Eligibility Provision (CEP) Schools

- 100. Schools operating under the CEP criteria provide meals to all children at no cost. Since there is no food being sold, and the law specifies that low-fat foods must be available when other foods are sold, would CEP schools be exempt from C.G.S. Section 10-221p?**

Yes. CEP schools are not required to provide the a la carte items specified in the statute (low-fat dairy products and fresh or dried fruit) unless other foods are available for purchase during the meal periods. For more information on the CEP, visit the CSDE's [CEP](#) webpage.

### Required Foods

- 101. Is there any latitude in C.G.S. Section 10-221p that would allow for canned fruit to be served instead of fresh or dried fruit?**

No. The statute specifically calls for fresh or dried fruit. Because canned fruit is neither fresh nor dried, schools cannot substitute canned fruit for fresh or dried, for the purposes of meeting the requirements of C.G.S. Section 10-221p. However, the statute specifies that the healthy alternatives shall include choices other than low-fat dairy products and fresh or dried fruit. Therefore, schools may offer canned fruit in addition to the products specified in the statute.

- 102. The statute requires “low-fat dairy” as one of the required items that must be available for sale when foods are sold. Does low-fat milk count as low-fat dairy?**

No. The statute specifically addresses healthy food products. Low-fat milk is a beverage and cannot be included for the purposes of meeting the statutory requirements for low-fat dairy products. Low-fat dairy products are food items and may include low-fat cheese, low-fat yogurt, or low-fat cottage cheese.

### School Fundraisers

#### 103. Our PTO sells pizza as a lunch one day per week. Does C.G.S. Section 10-221p apply to this lunch?

**Note:** The pizza lunch is not allowed unless the pizza and any other foods sold as part of the pizza lunch comply with the applicable state or federal nutrition standards, i.e., the CNS for HFC public schools and Smart Snacks for non-HFC public schools.

- **HFC public schools:** This fundraiser is not allowed unless the pizza and any other foods sold as part of the PTO lunch meet the CNS. The school would be responsible for obtaining nutrition information for the pizza and any other foods, refer to it for compliance with the CNS, and maintaining documentation on file to indicate CNS compliance (refer to Q-46 to Q-47). For more information, refer to the CSDE's resources, [How to Evaluate Purchased Foods for Compliance with the CNS](#), [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 "How To" section of the CSDE's CNS webpage. Training is available in "Module 4: Evaluating Foods for CNS Compliance" of the CSDE's [Complying with Healthy Food Certification](#) training program.

Pizza and other foods that comply with the CNS could be sold to students. However, C.G.S. Section 10-221p requires that the nutritious, low-fat foods specified in the statute must also be available when the PTO distributes the pizza or must be available elsewhere on school premises at the same time. In addition, the pizza lunch must comply with all other applicable state and federal requirements (refer to Q-30 and [table 1](#) and [table 2](#) in section 1). Beverages included with the pizza lunch must comply with C.G.S. Section 10-221q and Smart Snacks (refer to Q-1). If the PTO pizza lunch is sold on a regular school day, the lunch period must comply with C.G.S. Section 10-221o. This statute requires that schools must offer all full-day students a lunch period of at least 20 minutes.

- **Non-HFC public schools:** This fundraiser is not allowed unless the pizza and any other foods sold as part of the PTO lunch meet Smart Snacks. The school would be responsible for obtaining nutrition information for the pizza and any other foods, refer to it for compliance with the Smart Snacks, and maintaining documentation on file to indicate Smart Snacks compliance.

Pizza and other foods that comply with Smart Snacks could be sold to students. However, C.G.S. Section 10-221p requires that the nutritious, low-fat foods specified in the statute must also be available when the PTO distributes the pizza or must be available elsewhere on school premises at the same time. In addition,



the pizza lunch must comply with all other applicable state and federal requirements (refer to Q-30 and [table 1](#) and [table 2](#) in section 1). Beverages included with the pizza lunch must comply with C.G.S. Section 10-221q and Smarts Snacks (refer to Q-1). If the PTO pizza lunch is sold on a regular school day, the lunch period must comply with C.G.S. Section 10-221o. This statute requires that schools must offer all full-day students a lunch period of at least 20 minutes.

**104. At the high school, a fundraiser is conducted during the school day that offers doughnuts to students and staff. The doughnuts must be ordered and paid for in advance, for delivery at some point in the future. How would C.G.S. Section 10-221p affect this fundraiser? Would it be at time of purchase, delivery, or both?**

C.G.S. Section 10-221p is irrelevant because this fundraiser is not allowed in HFC public schools or non-HFC public schools.

- **HFC public schools:** If the district implements the healthy food option under C.G.S. Section 10-215f, doughnuts cannot be sold to students because they do not meet the CNS. The CNS applies to all food orders on school premises, regardless of when students order, purchase, receive, or consume the foods (refer to Q-76). Food fundraisers that do not meet the CNS cannot be sold to students at school unless the BOE votes to allow exemptions and the sales are at the location of an event held after the school day or on the weekend (refer to Q-33). For more information, refer to the CSDE's [Requirements for Food and Beverage Fundraisers in HFC Public Schools](#).
- **Non-HFC public schools:** Doughnuts cannot be sold to students because they do not meet Smart Snacks. Smart Snacks applies to student orders for foods and beverages that are intended to be consumed by students on school premises during the school day. For more information, refer to the CSDE's [Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools](#).

**105. During the school day, a student club conducts a fundraiser where students order cookies that comply with the CNS. The cookies will be delivered to students later that week. How would C.G.S. Section 10-221p affect this fundraiser? Would it be at time of purchase, delivery, or both?**

The nutritious low-fat foods specified in the statute must be available for purchase when the cookies are being distributed to students. The intent of the statute is that when foods are made available to students, there are also healthy alternatives. Therefore, the healthy choices do not need to be made available at the time of purchase, just at the time of delivery.

In addition, the cookie sales (orders and delivery) must comply with Section 10-215b-23 of the Regulations of Connecticut State Agencies. If the cookies are ordered or distributed to

## 4 | Requirement for Selling Nutritious, Low-fat Foods

students from 30 minutes before up through 30 minutes after the operation of any CNPs (such as the SBP or NSLP), Section 10-215b-23 requires that the income must accrue to the NSFSA (refer to Q-30). For more information, refer to the CSDE's [Overview of Connecticut Competitive Foods Regulations](#) and [CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

For additional guidance on the fundraiser requirements, refer to the CSDE's [Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools](#) and "Module 6: Fundraisers" of the CSDE's [Complying with Healthy Food Certification](#) training program.

## 5 — Resources

The resources in this section provide detailed guidance on how the state and federal laws apply to different sources of foods and beverages in each type of school or institution. For a comprehensive list of resources on meeting the federal and state requirements for competitive foods in schools, refer to CSDE's [Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools](#).

### Resources for HFC Public Schools

Complying with Healthy Food Certification (CSDE training program):

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

Culinary Programs (Related Resources section of CSDE's HFC webpage):

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

Fundraisers (Related Resources section of CSDE's HFC webpage):

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

Overview of Connecticut Competitive Foods Regulations (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/compfoods/overview\\_ct\\_competitive\\_foods\\_regulations.pdf](https://portal.ct.gov/-/media/sde/nutrition/compfoods/overview_ct_competitive_foods_regulations.pdf)

Requirements for Competitive Foods in HFC Public Schools (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/hfc/requirements\\_competitive\\_foods\\_hfc.pdf](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](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](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](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](https://portal.ct.gov/-/media/sde/nutrition/hfc/vending_machine_requirements_hfc.pdf)

School Stores (Related Resources section of CSDE's HFC webpage):

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

## 5 | Resources

Summary Chart: 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](https://portal.ct.gov/-/media/sde/nutrition/compfoods/summary_chart_requirements_competitive_foods_hfc.pdf)

Vending Machines (Related Resources section of CSDE's HFC webpage):

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

### Resources for Non-HFC Public Schools

Overview of Connecticut Competitive Foods Regulations (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/compfoods/overview\\_ct\\_competitive\\_foods\\_regulations.pdf](https://portal.ct.gov/-/media/sde/nutrition/compfoods/overview_ct_competitive_foods_regulations.pdf)

Requirements for Competitive Foods in Non-HFC Public Schools:

[https://portal.ct.gov/-/media/sde/nutrition/hfc/requirements\\_competitive\\_foods\\_nonhfc.pdf](https://portal.ct.gov/-/media/sde/nutrition/hfc/requirements_competitive_foods_nonhfc.pdf)

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/hfc/fundraiser\\_requirements\\_nonhfc.pdf](https://portal.ct.gov/-/media/sde/nutrition/hfc/fundraiser_requirements_nonhfc.pdf)

Requirements for Foods and Beverages in Culinary Programs in Private Schools and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/hfc/culinary\\_programs\\_requirements\\_private\\_rcci.pdf](https://portal.ct.gov/-/media/sde/nutrition/hfc/culinary_programs_requirements_private_rcci.pdf)

Requirements for Foods and Beverages in School Stores in Non-HFC Public Schools (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/hfc/school\\_store\\_requirements\\_nonhfc.pdf](https://portal.ct.gov/-/media/sde/nutrition/hfc/school_store_requirements_nonhfc.pdf)

Summary Chart: 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](https://portal.ct.gov/-/media/sde/nutrition/compfoods/summary_chart_requirements_competitive_foods_nonhfc.pdf)

### Resources for Private Schools and RCCLs

Overview of Connecticut Competitive Foods Regulations (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/compfoods/overview\\_ct\\_competitive\\_foods\\_regulations.pdf](https://portal.ct.gov/-/media/sde/nutrition/compfoods/overview_ct_competitive_foods_regulations.pdf)

Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions:

[https://portal.ct.gov/-/media/sde/nutrition/hfc/requirements\\_competitive\\_foods\\_private\\_rcci.pdf](https://portal.ct.gov/-/media/sde/nutrition/hfc/requirements_competitive_foods_private_rcci.pdf)

Requirements for Food and Beverage Fundraisers in Private Schools and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/hfc/fundraiser\\_requirements\\_private\\_rcci.pdf](https://portal.ct.gov/-/media/sde/nutrition/hfc/fundraiser_requirements_private_rcci.pdf)

Requirements for Foods and Beverages in Culinary Programs in Private Schools and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/hfc/culinary\\_programs\\_requirements\\_private\\_rcci.pdf](https://portal.ct.gov/-/media/sde/nutrition/hfc/culinary_programs_requirements_private_rcci.pdf)

Requirements for Foods and Beverages in School Stores in Private Schools and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/hfc/school\\_store\\_requirements\\_private\\_rcci.pdf](https://portal.ct.gov/-/media/sde/nutrition/hfc/school_store_requirements_private_rcci.pdf)

Requirements for Foods and Beverages in Vending Machines in Non-HFC Public Schools (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/hfc/vending\\_machine\\_requirements\\_nonhfc.pdf](https://portal.ct.gov/-/media/sde/nutrition/hfc/vending_machine_requirements_nonhfc.pdf)

Requirements for Foods and Beverages in Vending Machines in Private Schools and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/hfc/vending\\_machine\\_requirements\\_private\\_rcci.pdf](https://portal.ct.gov/-/media/sde/nutrition/hfc/vending_machine_requirements_private_rcci.pdf)

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

[https://portal.ct.gov/-/media/sde/nutrition/compfoods/summarychart\\_requirements\\_competitive\\_foods\\_private\\_rcci.pdf](https://portal.ct.gov/-/media/sde/nutrition/compfoods/summarychart_requirements_competitive_foods_private_rcci.pdf)



## Glossary

**a la carte sales:** Foods and beverages that are sold separately from reimbursable meals and snacks served through the CNPs. A la carte items include, but are not limited to foods and beverages sold in school cafeterias, school stores, vending machines, fundraising activities on school premises, and any other sources of beverage sales to students. For more information, refer to “competitive foods” in this section.

**accompaniments:** Foods that accompany another food or beverage item, such as butter, cream cheese, syrup, ketchup, mustard, mayonnaise and salad dressing. Foods must be evaluated for compliance with the CNS based on the amount of the food item as served including any added accompaniments. Examples include hamburger with ketchup and mustard, bagel with cream cheese, waffles with syrup, whole grain-rich pasta with butter, salad with dressing, and fruit crisp with whipped cream.

**Afterschool Snack Program (ASP):** The USDA’s federally assisted snack program implemented through the National School Lunch Program (NSLP). The ASP provides cash reimbursement to help schools serve snacks to children in afterschool activities aimed at promoting the health and well-being of children and youth. Schools must provide children with regularly scheduled activities in an organized, structured, and supervised environment that includes educational or enrichment activities, e.g., mentoring/tutoring programs. Programs must meet state or local licensing requirements and health and safety standards. For more information, visit the CSDE’s [Afterschool Snack Program](#) webpage.

**artificial sweeteners:** A category of nonnutritive sweeteners used as sugar substitutes to sweeten foods and beverages. The six artificial sweeteners approved by the Food and Drug Administration (FDA) include 1) acesulfame potassium (Ace-K) (e.g., Sweet One®, Sunett®, and Sweet & Safe®); 2) advantame; 3) aspartame (e.g., Nutrasweet®, Equal®, and Sugar Twin®); 4) neotame (e.g., Newtame®); 5) saccharin (e.g., Sweet and Low®, Sweet Twin®, and Necta Sweet); and 6) sucralose (Splenda®). These nonnutritive sweeteners are calorie-free except for aspartame, which is very low in calories. For more information, refer to “nonnutritive sweeteners” in this section.

**candy:** All types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, candy bars, hard candies, lollipops, caramels, taffy, licorice, jelly candies (e.g., gumdrops, gummies, and jelly beans), and breath mints.

**chemically altered fat substitutes:** Compounds made by chemically manipulating food products to mimic the texture and flavor of fat while providing fewer calories and less metabolizable fat. Examples include olestra (Olean®) and microparticulated whey protein concentrate (Simplese®). Fat substitutes can have negative side effects. The Connecticut Nutrition Standards do not allow foods or beverages with these ingredients.

**Child Nutrition Programs (CNPs):** The USDA’s federally funded programs that provide nutritious meals and snacks to children, including the National School Lunch Program (NSLP), School Breakfast Program (SBP), Afterschool Snack Program (ASP) of the NSLP, Seamless Summer Option (SSO) of the NSLP, Special Milk Program (SMP), Summer Food Service Program (SFSP), Fresh Fruit and Vegetable Program (FFVP), Child and Adult Care Food Program (CACFP), and CACFP At-risk Afterschool Meals operated in schools. The CACFP also provides nutritious meals and snacks to the frail elderly in adult day care centers. For more information, visit the CSDE’s [Child Nutrition Programs](#) webpage.

**Community Eligibility Provision (CEP):** The USDA’s CEP provides an alternative approach for offering school meals in low-income areas. Instead of collecting individual household applications for free and reduced-price meals, the CEP allows schools that predominantly serve low-income children to offer free, nutritious school meals to all students through the NSLP and SBP. For more information, visit the CSDE’s [Community Eligibility Provision](#) webpage.

**competitive foods:** All foods and beverages available for sale to students on school premises at all times, other than reimbursable meals and snacks served through the USDA’s Child Nutrition Programs. Potential sources of competitive foods include but are not limited to cafeteria a la carte sales, vending machines, school stores, and fundraisers. Examples of other sources of competitive foods include afterschool programs and activities, such as enrichment programs, extracurricular classes, tutoring sessions, and student clubs; classroom parties that collect a fee to cover the cost of foods and beverages; culinary arts programs; family and consumer sciences classes; recipient schools under interschool agreements (refer to Q-43); a la carte foods sold in the SSO and SFSP; reimbursable snacks in the ASP; summer school programs (e.g., enrichment or exploratory) operated by the BOE or an outside entity (refer to Q-16 and Q-84); vendors on school premises, e.g., food service management companies (FSMCs), food trucks, caterers, online and mobile food delivery companies, and other outside entities that sell foods and beverages to students; and adult education programs operated by the BOE (refer to Q-5, Q-66, and Q-66). Under Section 10-215b-1 of the Regulations of Connecticut State Agencies, competitive foods also include candy, coffee, tea, and soft drinks that are sold or given to students while CNPs are operating. **Note:** Smart Snacks applies only during the school day. For more information, refer to [table 2](#) in section 1. For more information, refer to “a la carte sales” in this section.

**Connecticut Nutrition Standards:** State nutrition standards developed by the Connecticut State Department of Education, as required by [Section 10-215e](#) of the Connecticut General Statutes. The CNS addresses the nutritional content of all foods sold to students separately from reimbursable school meals. The standards limit calories, fat, saturated fat, sodium, and added sugars; eliminate trans fat; and promote more nutrient-rich foods such as fresh fruits, vegetables, whole grains, low-fat dairy, legumes, and lean meats. All schools in any district that chooses to comply with the healthy food option of HFC under Section 10-215f of the Connecticut General Statutes must follow the CNS for all sources of food sales to students, including school cafeterias, vending machines, school stores, fundraisers, and any other



sources. The CNS also applies to snacks served in the Afterschool Snack Program. For more information, visit the CSDE's [Connecticut Nutrition Standards](#) webpage.

**dispensing:** To give, provide, or distribute foods and beverages to students. This includes foods and beverages that are given to students at no charge, such as food rewards and classroom parties. For more information, refer to “giving” in this section.

**event:** An occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. Events involve a gathering of people in a social context, such as sports competitions, school concerts, and theatrical productions. For example, soccer games, school plays, and interscholastic debates are events, but soccer practices, play rehearsals, and debate team meetings are not.

**exemption criteria:** The requirements of state statutes for allowing beverages that do not comply with CG.S. Section 10-221q and foods that do not comply with the CNS (for public schools that choose the healthy food option of HFC under CG.S. Section 10-215f). Noncompliant foods and beverages cannot be sold to students on school premises unless the BOE votes to allow exemptions and the sales meet the following three exemption criteria: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at 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 “location,” “event” and “school day” in this section.

**foods made from scratch:** 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 foods 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. Before selling to students, these foods require a nutrient analysis of the standardized recipe to determine whether they meet the CNS. For more information, refer to the CSDE's [Guidance on Evaluating Recipes for Compliance with the Connecticut Nutrition Standards](#) and visit the “Foods Made from Scratch” section of the CSDE's CNS webpage.

**fundraisers:** Any activities conducted by any school-related or outside organization or group on school premises, during which money or its equivalent (e.g., coupons, tickets, tokens, and similar items) is exchanged for the purchase of a product in support of the school or school-related activities. Fundraisers also include any activities that suggest a student donation in exchange for foods and beverages, since funds may be raised as a result. **Note:** Smart Snacks applies to purchased coupons and similar items that can be exchanged for foods and beverages. The state statutes and competitive foods regulations apply to all coupons and similar items that can be exchanged for foods and beverages, including tickets that students purchase, and tickets given to students free of any charge.

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**giving:** Providing foods and beverages to students free of any charge, contribution, or suggested donations. Foods and beverages are being given to students when all of the following five conditions apply: 1) students do not purchase foods and beverages; 2) students do not exchange purchased coupons, tickets, tokens, and similar items for foods and beverages; 3) students are not given coupons, tickets, tokens, and similar items that can be exchanged for foods and beverages; 4) programs and activities that charge a fee do not include the cost of foods and beverages provided to students; and 5) fundraisers do not give foods and beverages to students in exchange for a suggested donation. **Note:** Unlike Connecticut's statutes and regulations, Smart Snacks does not apply when students are given coupons, tickets, tokens, and similar items that can be exchanged for foods and beverages.

**Healthy Food Certification:** A requirement of state statute (Section 10-215f of the Connecticut General Statutes) that each BOE for all public schools participating in the NSLP must certify annually to the CSDE whether they will comply with the Connecticut Nutrition Standards for all foods sold to students separately from reimbursable meals. Districts that choose to comply with the CNS receive 10 cents per lunch, based on the total number of reimbursable lunches (paid, free, and reduced) served in the district in the prior school year. For more information, refer to "Connecticut Nutrition Standards" in this section and visit the CSDE's [Healthy Food Certification](#) webpage.

**juice drink:** A product resembling juice that contains full-strength juice along with added water and possibly other ingredients, such as sweeteners, spices, or flavorings. Juice drinks do not meet the state beverage requirements.

**location:** For the food and beverage exemptions under C.G.S. Sections 10-215f and 10-221q, "location" means the same place where the event is being held, such as the gym, soccer field, or auditorium. For example, if the event is a basketball game held in the gym, the noncompliant foods must be sold at the location of the basketball game in the gym. They cannot be sold in another location of the school at the same time. For example, they cannot be sold in the cafeteria at the same time as the basketball game, or on the soccer field at a practice that is being held at the same time as the basketball game.

**meal pattern:** The required food components and minimum serving sizes that schools and institutions participating in the USDA Child Nutrition Programs must provide to receive federal reimbursement for meals and snacks served to children. For information on the meal patterns for grades K-12 in the NSLP and SBP, refer to the CSDE's guide, [Menu Planning Guide for Grades K-12 in the National School Lunch Program and School Breakfast Program](#), and visit the CSDE's [Meal Patterns for Grades K-12 in School Nutrition Programs](#) webpage. For information on the meal patterns for preschoolers in the NSLP and SBP, refer to the CSDE's [Menu Planning Guide for the Preschool Meal Patterns of the School Nutrition Programs](#) and visit the CSDE's [Meal Patterns for Preschoolers in School Nutrition Programs](#) webpage. For information on the ASP meal patterns for grades K-12 and preschoolers, refer to the CSDE's [ASP Meal Pattern for Grades K-12](#) and [ASP Meal Pattern for Preschoolers](#).

**National School Lunch Program (NSLP):** The USDA’s federally assisted meal program operating in public and nonprofit private schools and residential child care institutions. The NSLP provides nutritionally balanced, low-cost or free lunches to children each school day. It was established under the National School Lunch Act, signed by President Harry Truman in 1946. For more information, visit the CSDE’s [National School Lunch Program](#) webpage.

**nonnutritive sweeteners:** Ingredients without calories that are hundreds of times sweeter than sugars and that are used as sugar substitutes to sweeten foods and beverages. Nonnutritive sweeteners include the six FDA-approved artificial sweeteners (acesulfame potassium (Ace-K), advantame, aspartame, neotame, saccharin, and sucralose) and three plant-based sweeteners (stevia, monk fruit, and thaumatin) that are [Generally Recognized as Safe \(GRAS\)](#) by the FDA. For more information on nonnutritive sweeteners, refer to “[Additional Information about High-Intensity Sweeteners Permitted for Use in Food in the United States](#)” on the FDA’s webpage.

**nonprofit school food service account (NSFSA):** The restricted account in which all the revenue from all food service operations conducted by the school food authority (SFA) principally for the benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service. This account shall include, as appropriate, non-federal funds used to support paid lunches as provided in [7 CFR 210.14\(e\)](#), and proceeds from nonprogram foods as provided in [7 CFR 210.14\(f\)](#).

**nutritive sweeteners:** Sugars and sweeteners that contain calories and are used to sweeten foods and beverages. Examples include brown rice syrup, brown sugar, corn sweetener, corn syrup, corn syrup solids, dextrin, dextrose, fructose, fruit juice concentrate, glucose, high-fructose corn syrup, honey, invert sugar, lactose, malt syrup, maltose, molasses, maple syrup, nectars (e.g., peach nectar, pear nectar), raw sugar, sorghum syrup, sucrose, and syrup.

**public schools:** Connecticut public schools include all local and regional school districts, the regional educational service centers, the Connecticut Technical Education and Career System (CTECS), charter schools, interdistrict magnet schools, and endowed academies.

**reimbursable meals:** Meals that comply with the USDA’s meal patterns for Child Nutrition Programs, as specified in USDA regulations.

**reimbursable snacks:** Snacks that comply with the requirements of the USDA regulations for the Afterschool Snack Program (ASP).

**Sales:** The exchange of a determined amount of money or its equivalent (such as coupons, tickets, tokens, and similar items) for foods and beverages on school premises at any time. Sales also include fee-based programs and activities that include the cost of foods and beverages provided to students, and activities that suggest a student donation in exchange for foods and beverages. Potential sources of food and beverage sales in schools include cafeteria a la carte sales, vending machines, school stores, fundraisers, and any other sources selling foods and beverages to students on school premises. **Note:** Unlike Connecticut’s statutes and

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regulations, “sales” for Smart Snacks do not include coupons, tickets, tokens, and similar items that are given to students and can be exchanged for foods and beverages. Smart Snacks applies only to the purchase of coupons, tickets, tokens, and similar items that can be exchanged for foods and beverages.

**School Breakfast Program (SBP):** The USDA’s federally assisted meal program operating in public and nonprofit private schools and residential child care institutions. The SBP provides nutritionally balanced, low-cost or free breakfasts to children each school day. For more information, visit the CSDE’s [School Breakfast Program](#) webpage.

**school day:** The period from 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 are part of the regular school day.

**school food authority (SFA):** The governing body that is responsible for the administration of one or more schools and has the legal authority to operate the USDA’s school nutrition programs, e.g., National School Lunch Program, School Breakfast Program, Afterschool Snack Program of the NSLP, Seamless Summer Option of the NSLP, Special Milk Program, and Fresh Fruit and Vegetable Program.

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

**school wellness policy:** A federal requirement under the Child Nutrition and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Reauthorization Act of 2004 ([Public Law 108-265](#)) and the Healthy, Hunger-Free Kids Act of 2010 ([Public Law 111-296](#)) which requires that public schools, private schools, and RCCIs that participate in the USDA’s school nutrition programs establish a local wellness policy. 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. For more information, refer to visit the CSDE’s [School Wellness Policies](#) webpage.

**Seamless Summer Option of the NSLP (SSO):** The USDA’s federally assisted summer feeding program that combines features of the NSLP, SBP, and SFSP, and serves meals free of charge to children ages 18 and younger from low-income areas. School districts participating in the NSLP or SBP are eligible to apply to the CSDE to participate in the SSO. SSO meals follow the meal patterns of the NSLP and SBP. For more information, visit the CSDE’s [Seamless Summer Option of the NSLP](#) webpage.

**Smart Snacks:** The USDA’s federal nutrition standards for foods and beverages sold to students on school campus during the school day, separately from reimbursable meals and snacks in the USDA Child Nutrition Programs. Smart Snacks includes nutrition standards for entrees sold only a la carte, side dishes, and beverages. The USDA requires the Smart Snacks

nutrition standards for all schools and institutions that participate in the NSLP and SBP. These standards were legislated by the final rule, [National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHFKA of 2010](#) (81 FR 50131), effective July 1, 2014. For more information, refer to the CSDE's [Summary of Smart Snacks Nutrition Standards](#) and [Questions and Answers on Smart Snacks](#), and visit the CSDE's [Smart Snacks Nutrition Standards](#) webpage. **Note:** Smart Snacks applies only to beverages in HFC public schools. HFC public schools disregard the Smart Snacks food standards because the stricter CNS requirements of the state HFC statute (C.G.S. Section 10-215f) supersede Smart Snacks.

**soft drinks:** Beverages (with or without carbonation) that contain water and/or juice and added sweeteners (including nutritive sweeteners and artificial or natural nonnutritive sweeteners) and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples of soft drinks 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.

**Special Milk Program (SMP):** The USDA's federally assisted program that provides milk to children in schools and child care institutions that do not participate in other federal meal service programs. The SMP reimburses schools for the milk they serve. Schools that participate in the NSLP or SBP may also participate in the SMP to provide milk to children in half-day pre-kindergarten and kindergarten programs where children do not have access to the school meal programs. For more information, visit the CSDE's [Special Milk Program](#) webpage.

**sugar alcohols (polyols):** A type of carbohydrate used as sugar substitutes to sweeten foods and beverages. Sugar alcohols are incompletely absorbed and metabolized by the body and contribute fewer calories than most sugars. They also perform other functions such as adding bulk and texture to foods. Common sugar alcohols include sorbitol, mannitol, xylitol, maltitol, maltitol syrup, lactitol, erythritol, isomalt, and hydrogenated starch hydrolysates (HSH). Products with sugar alcohols are often labeled "sugar free." Consuming large amounts of sugar alcohols may cause bloating, gas, or diarrhea. For more information, refer to "nonnutritive sweeteners" in this section.

**Summer Food Service Program (SFSP):** The USDA's federally assisted summer feeding program for children ages 18 and younger that provides nutritious meals when schools end for the summer. For more information, visit the CSDE's [Summer Food Service Program](#) webpage.

**sweeteners:** Natural and artificial substances that provide a sweet taste in foods and beverages. For more information, refer to "artificial sweeteners," "nutritive sweeteners," and "nonnutritive sweeteners" in this section.





