




STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Sponsors of School Child Nutrition Programs

FROM: John Frassinelli, Chief 
Bureau of Health/Nutrition, Family Services and Adult Education

DATE: April 25, 2014

SUBJECT: **Operational Memorandum #30-14**
Smart Snacks Nutrition Standards and Exempt Fundraisers

This information applies **only** to schools and institutions that do **not** participate in Healthy Food Certification (HFC) under [Section 10-215f](#) of the Connecticut General Statutes. Public schools that participate in HFC must follow the fundraiser requirements outlined in the Connecticut State Department of Education's (CSDE) handout, [Requirements for Food and Beverage Fundraisers \(HFC Schools\)](#).

This memorandum provides guidance from the U.S. Department of Agriculture (USDA) regarding state agency responsibilities to establish limitations on the frequency of specially exempted fundraisers in schools. Section 10 of the Child Nutrition Act of 1966, 42 USC 1779, as amended by the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), requires that all food sold outside of the school meal programs on the school campus and at any time during the school day must meet the nutrition standards set forth in the interim final rule, "[National School Lunch Program \(NLSP\) and School Breakfast Program \(SBP\): Nutrition Standards for All Foods Sold in School as required by the HHFKA of 2010](#)." This interim final rule, also known as the "Smart Snacks" rule, was published on June 28, 2013, and is **effective July 1, 2014**.

The nutrition standards included in the interim final rule apply to all foods and beverages sold to students on the school campus during the school day. However, in recognition of the tradition of school fundraisers, the HHFKA provides flexibility for special exemptions for the purpose of conducting infrequent school-sponsored fundraisers during which foods that do not meet the Smart Snacks nutrition standards may be sold. Section 210.11(b)(4) of the interim final rule specifies that such specially exempted fundraisers must not take place more often than the frequency specified by the state agency.

As outlined in the interim final rule, if a state agency does not specify the exemption frequency, the state agency is electing to establish a policy that no fundraiser exemptions may be granted. As noted in the preamble to both the proposed and interim final rules, it is expected that state agencies will ensure that the frequency of such exempt fundraisers on school grounds during the school day does not reach a level which would impair the effectiveness of the Smart Snacks requirements.

The law requires that the state agency must set an upper limit on the number of fundraisers that would be allowed. If the state agency decides not to establish an upper limit, the state agency is electing to prohibit any exempt fundraisers from being held in schools. The state agency may not delegate the authority to specify exempt fundraiser frequency to local educational agencies (LEAs) or to school food authorities (SFAs).

The state agency (CSDE) does not allow any exemptions for fundraisers under the Smart Snacks rule. Therefore, all fundraisers sold during the school day must meet the competitive foods standards of the interim final rule. For a summary of the USDA Smart Snacks standards, see the CSDE's handout, *Summary of USDA Nutrition Standards for Competitive Foods*. For more information on the fundraiser requirements under Smart Snacks, see the CSDE's handout, *Requirements for Food and Beverage Fundraisers (Non-HFC Schools, Private Schools and Residential Child Care Institutions)*.

For more information on the USDA Smart Snacks standards, see the Connecticut State Department of Education's (CSDE) [Competitive Foods](#) Web page and the USDA [Smart Snacks in School](#) Web page.

Questions may be directed to:

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Attachment