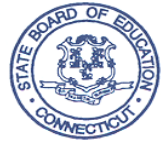





STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION



**TO:** Sponsors of School Child Nutrition Programs

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

**DATE:** February 11, 2014

**SUBJECT: Operational Memorandum #11-14**  
Overview of Federal versus State Nutrition Standards for Competitive Foods in Schools

The U.S. Department of Agriculture (USDA) interim final rule, *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School* (Federal Register, Vol. 78, No. 125, June 28, 2013), requires new nutrition standards for competitive foods, effective **July 1, 2014**. “Competitive foods” are all food and beverages, other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966, available for sale to students on the school campus during the school day. The new competitive foods standards apply to:

- all schools that participate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP), including public schools, private schools and residential child care institutions (RCCIs); and
- all competitive foods and beverages sold to students during the **school day** (the period from the midnight before to 30 minutes after the end of the official school day) on all areas of the **school campus** (all areas of the property under the jurisdiction of the school that are accessible to students during the school day), including all **fundraisers** (see “Fundraisers” on page 5).

However, some state statutes for foods and beverages in public schools are stricter and therefore supersede the nutrition standards for competitive foods in the interim final rule. Therefore, the USDA nutrition standards apply differently to public schools, private schools and RCCIs. These criteria are summarized below.

- **Public school districts that participate in healthy food certification (HFC)** under [Section 10-215f](#) of the Connecticut General Statutes (C.G.S.) must follow the Connecticut Nutrition Standards for all foods sold in schools, instead of the USDA nutrition standards for competitive foods (see “Healthy Food Certification for Public Schools” on page 3). The 2014-15 Connecticut Nutrition Standards are stricter than the USDA nutrition standards for competitive foods, and are effective July 1, 2014 (see “Connecticut Nutrition Standards” on page 2). Public schools must also follow those provisions of the state beverage requirements (C.G.S. [Section 10-221q](#)) that are stricter than the USDA interim final rule (see “Beverage Requirements for Public Schools” on page 4).

- **Public school districts that elect not to participate in HFC for school year 2014-15** must follow the USDA nutrition standards for competitive foods, effective July 1, 2014. Public schools must also follow those provisions of the state beverage requirements (C.G.S. [Section 10-221q](#)) that are stricter than the USDA interim final rule (see “Beverage Requirements for Public Schools” on page 4).
- **Private schools and RCCIs** must follow the USDA nutrition standards for competitive foods, effective July 1, 2014.

In addition, Connecticut schools and institutions must also follow all applicable state statutes and regulations that are stricter than the federal requirements, including Section 10-215b-23 of the Regulations of Connecticut State Agencies and C.G.S. Section 10-221p.

- **Section 10-215b-23 of the Regulations of Connecticut State Agencies** applies to all public schools (HFC and non-HFC), private schools and RCCIs that participate in any USDA school nutrition programs including the NSLP, SBP, Afterschool Snack Program and Special Milk Program. This regulation requires that the income from any foods or beverages sold to students anywhere on school premises from 30 minutes before the start of any state or federally subsidized meal or milk program until 30 minutes after the end of the program must accrue to the nonprofit food service account. Any food and beverage sales held anywhere on school premises during this time frame must comply with this regulation, including foods that comply with the USDA interim final rule or the Connecticut Nutrition Standards and beverages that comply with the USDA interim final rule or the requirements of state statute (C.G.S. [Section 10-221q](#)).
- **C.G.S. Section 10-221p** requires that at all times when food is 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. These foods must be sold whenever any other competitive foods are sold, either at the location of the food sales or elsewhere on school premises at the same time. For more information on C.G.S. Section 10-221p, see the Connecticut State Department of Education’s (CSDE) handout, [Questions and Answers on Connecticut Statutes for School Foods and Beverages](#) (see “Resources” on page 6).

The CSDE’s handout, [Guide to Competitive Foods in Schools](#), summarizes all federal and state regulations that apply to competitive foods in public schools, private schools and RCCIs (see “Resources” on page 6).

For more information on the USDA nutrition standards, see the CSDE’s handout, [Summary of USDA Nutrition Standards for Competitive Foods](#), and visit the USDA’s [Smart Snacks in School](#) Web page and the CSDE’s [Competitive Foods](#) Web page (see “Resources” on page 6).

## HEALTHY FOOD CERTIFICATION FOR PUBLIC SCHOOLS

Under C.G.S. [Section 10-215f](#), HFC applies only to **public schools**, e.g., regional educational service centers, the Connecticut Technical High School System, charter schools, interdistrict magnet schools and endowed academies. HFC requires that each local board of education or governing authority for Connecticut public school districts participating in the NSLP must take action annually to certify whether all food items sold to students will or will not meet the Connecticut Nutrition Standards. Districts that certify for the healthy food option must follow the Connecticut Nutrition Standards for all food items sold to students separately from a reimbursable breakfast or lunch, at all times, in all schools and from all sources, e.g., school stores, vending machines, school cafeterias and any fundraising activities on school premises (see “Fundraisers” on page 5).

**Public school districts that elect not to participate in HFC must follow the federal standards for competitive foods in the USDA interim final rule, effective July 1, 2014.** The CSDE encourages public schools that are not currently participating in HFC to consider participation for school year 2014-15. Districts that opt for HFC receive 10 cents per lunch, based on the total number of reimbursable lunches (paid, free and reduced) served in the district’s NSLP in the prior school year. The USDA does not provide any additional funding for the new federal standards for competitive foods.

The HFC application materials are available on the CSDE’s [Application Forms for Healthy Food Certification](#) Web page. To participate in HFC for school year 2014-15, districts must return the HFC Statement to the CSDE by **July 1, 2014**.

## CONNECTICUT NUTRITION STANDARDS

C.G.S. [Section 10-215e](#) requires the CSDE to publish nutrition standards annually. The state nutrition standards committee aligned the 2014-15 Connecticut Nutrition Standards with the USDA’s new standards for competitive foods except when doing so would weaken the integrity of Connecticut’s current standards or be inconsistent with state statutes. The Connecticut Nutrition Standards are stricter than the federal competitive foods standards. In addition, while the federal food requirements apply only during the **school day**, the state food requirements apply at **all times**. Foods that do not meet the Connecticut Nutrition Standards can only be sold to students on school premises if the local board of education or school governing authority votes to allow exemptions and the following three conditions are met:

- the sale is in connection with an event occurring after the end of the regular school day or on the weekend;
- the sale is at the location of the event; and
- the foods are not sold from a vending machine or school store.

The “regular school day” is the period from the midnight before to 30 minutes after the end of the official school day. An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting or extracurricular activity. For example, soccer games, school plays and interscholastic debates are events but soccer practices, play rehearsals and debate team meetings are not.

**Public school districts that certify for HFC in school year 2014-15 will already comply with the federal requirements for foods under the USDA interim final rule.** The CSDE's handout, *Comparison Chart of USDA Competitive Foods Standards and Connecticut Nutrition Standards*, summarizes the differences between the federal and state standards for competitive foods (see "Resources" on page 6).

The 2014-15 Connecticut Nutrition Standards documents are preliminary versions that may be subject to change because the USDA has not yet released the final rule for competitive foods in schools. The state nutrition standards committee will review and revise the 2014-15 Connecticut Nutrition Standards after the USDA publishes the final rule in spring 2014.

The Connecticut Nutrition Standards are available on the CSDE's [Connecticut Nutrition Standards](#) Web page, including the summary document, *Summary of Connecticut Nutrition Standards* and the full document, *Connecticut Nutrition Standards for Foods in Schools*, which includes rationale and implementation guidance for the standards (see "Resources" on page 6).

**Note:** The Connecticut Nutrition Standards do not apply to private schools or RCCIs. Therefore, private schools and RCCIs must follow the food standards in the USDA interim final rule, effective July 1, 2014.

## BEVERAGE REQUIREMENTS FOR PUBLIC SCHOOLS

The requirements for beverages allowed for sale to students in public schools are defined by C.G.S. [Section 10-221q](#). This statute applies to **all public schools**, regardless of whether they participate in the USDA school nutrition programs or Connecticut's HFC. In addition to the new beverage requirements in the USDA interim final rule, all public school districts (HFC and non-HFC) must also follow those state beverage requirements that are stricter.

In addition, while the federal beverage requirements apply only during the **school day**, the state beverage requirements apply at **all times**. Beverages that do not meet the requirements of state statute can only be sold to students on school premises if the local board of education or school governing authority votes to allow exemptions and the following three conditions are met:

- the sale is in connection with an event occurring after the end of the regular school day or on the weekend;
- the sale is at the location of the event; and
- the beverages are not sold from a vending machine or school store.

The same definitions of "regular school day" and "event" for food sales apply to beverage sales (see "Connecticut Nutrition Standards" above). For more information on the state beverage requirements, see the CSDE's [Beverage Requirements](#) Web page and the CSDE's handouts, *Guide to Competitive Foods in Schools* and *Comparison Chart of USDA Competitive Foods Standards and Connecticut Nutrition Standards* (see "Resources" on page 6).

**Note:** The beverage statute does not apply to private schools or RCCIs. Therefore, private schools and RCCIs must follow the beverage standards in the USDA interim final rule, effective July 1, 2014.

## FUNDRAISERS

The USDA interim final rule prohibits the sale of any foods and beverages during the **school day** (the period from the midnight before to 30 minutes after the end of the official school day) on all areas of the **school campus** (all areas of the property under the jurisdiction of the school that are accessible to students during the school day). However, Connecticut has stricter statutes for food and beverage sales in public schools that also apply to all fundraisers. Therefore, the federal fundraiser requirements apply differently in public schools versus private schools and RCCIs. These requirements are summarized below.

### Foods

Food fundraisers sold during the school day in schools that participate in the NSLP and SBP must meet the USDA standards for competitive foods if they are sold in:

- public school districts that elect **not** to participate in HFC;
- private schools; and
- RCCIs.

For **public school districts implementing HFC**, additional restrictions apply because the Connecticut Nutrition Standards are stricter and apply at **all times**, not just during the school day. Food fundraisers that do not meet the Connecticut Nutrition Standards can only be sold to students on school premises if the local board of education or school governing authority votes to allow exemptions and the foods are sold at the location of events that occur after the school day or on the weekend, provided they are not sold from a vending machine or school store (see “Connecticut Nutrition Standards” on page 3).

These requirements also apply to fundraisers where students are involved in delivering money to school for food items and picking up food items at school. However, these fundraisers will comply with HFC if students bring the orders and money to school, but parents or other adults pick up the food items instead of students. For more information on food fundraisers in public schools implementing HFC, see the CSDE’s handout, *Food and Beverage Requirements for Fundraisers* (see “Resources” on page 6).

### Beverages

All beverage fundraisers sold during the school day in **private schools and RCCIs** that participate in the NSLP and SBP must meet the USDA standards for competitive foods. However, beverage fundraisers sold in **public schools** (both HFC and non-HFC) must meet those requirements of Section 10-221q that are stricter and supersede the USDA interim final rule. Beverages that do not comply with state statute can only be sold if the local board of education or school governing authority votes to allow exemptions, and the beverages are sold at the location of events that occur after the school day or on the weekend, provided they are not sold from a vending machine or school store. The same definitions of “regular school day” and “event” for food sales apply to beverage sales (see “Connecticut Nutrition Standards” on page 3).

These requirements also apply to fundraisers where students are involved in delivering money to school for beverage items and picking up beverage items at school. These fundraisers will comply with the state beverage statute if students bring the orders and money to school but

parents or other adults pick up the beverage items instead of students. For more information on beverage fundraisers in public schools, see the CSDE's handout, *Food and Beverage Requirements for Fundraisers* (see "Resources" on page 6).

## TRAINING FOR SCHOOL NUTRITION PROGRAMS

In spring 2014, the CSDE will be conducting training for school nutrition programs on the federal and state requirements for competitive foods, including detailed information about the USDA's new nutrition standards in the interim final rule, the Connecticut Nutrition Standards and state beverage requirements. More information will be distributed to schools when the training dates and locations are finalized.

## RESOURCES

The following Web sites and handouts provide additional information on the federal and state requirements for competitive foods.

- *Allowable Beverages in Connecticut Schools*
- *Beverage Requirements (CSDE Web Page)*
- *Comparison Chart of USDA Competitive Foods Standards and Connecticut Nutrition Standards*
- *Guide to Competitive Foods in Schools*
- *Competitive Foods (CSDE Web Page)*
- *Connecticut Nutrition Standards (CSDE Web Page)*
- *Federal and State Laws for Foods and Beverages in Connecticut Schools*
- *Food and Beverage Requirements for Fundraisers*
- *Healthy Food Certification (CSDE Web Page)*
- *Interim Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School (Federal Register, Vol. 78, No. 125, June 28, 2013)*
- *List of Acceptable Foods and Beverages*
- *Requirements for School Foods and Beverages (CSDE Web Page)*
- *Questions and Answers on Connecticut Statutes for School Foods and Beverages*
- *Requirements for Beverages Containing Water and Juice*
- *Smart Snacks in School (USDA Web Page)*
- *Summary of Connecticut Nutrition Standards*
- *Summary of USDA Nutrition Standards for Competitive Foods*

Questions may be directed to:

| COUNTY ASSIGNMENTS  | CONSULTANT            | E-MAIL AND PHONE   |
|---|-----------------------|--|
| Fairfield County  | Fionnuala Brown       | <a href="mailto:fionnuala.brown@ct.gov">fionnuala.brown@ct.gov</a><br>860-807-2129             |
| Hartford County (towns/cities beginning with A-R)                   | Teri Dandeneau        | <a href="mailto:teri.dandeneau@ct.gov">teri.dandeneau@ct.gov</a><br>860-807-2079               |
| Hartford County (towns/cities beginning with S-W)<br>Windham County | Susan Alston          | <a href="mailto:susan.alston@ct.gov">susan.alston@ct.gov</a><br>860-807-2081                   |
| Litchfield County   | Allison Calhoun-White | <a href="mailto:allison.calhoun-white@ct.gov">allison.calhoun-white@ct.gov</a><br>860-807-2008 |
| Middlesex County<br>Tolland County                                  | Andy Paul             | <a href="mailto:andrew.paul@ct.gov">andrew.paul@ct.gov</a><br>860-807-2048                     |
| New Haven County  | Jackie Schipke        | <a href="mailto:jackie.schipke@ct.gov">jackie.schipke@ct.gov</a><br>860-807-2123               |
| New London County   | Monica Pacheco        | <a href="mailto:monica.pacheco@ct.gov">monica.pacheco@ct.gov</a><br>860-807-2073               |

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Important: This is a numbered Connecticut State Department of Education (CSDE) operational memorandum that contains important program information. Please read carefully and retain in a binder for future reference. All CSDE operational memoranda are posted on the CSDE's [Operational Memoranda for School Nutrition Programs](#) Web page.