

Date: January 14, 2020

To: Authorized Representatives and Food Service Directors of School Food Authorities Participating in the USDA Child Nutrition Programs

From: Jessica Sharkus, RDN, CD
Director, School Nutrition Team

Subject: Nutrition Standards for All Foods Sold in School: Smart Snacks (Update to SNT Memorandum dated May 28, 2014)

The USDA's final rule, *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Food Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010*, established nutrition standards for all foods sold in schools, other than food served as part of the National School Lunch and School Breakfast Programs. This final rule also establishes the requirement that potable water, already required during lunch, must be made available to children at no charge in the cafeteria during breakfast meal service. The goal is to improve the health and well-being of our children, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits.

The nutrition standards for all foods sold in school and special exemptions for infrequent school-sponsored fundraisers outlined in this final rule were effective on July 1, 2014.

USDA regulations require that all foods and beverages, other than foods sold under the lunch and breakfast programs, that are sold on the school campus (including a la carte, in school stores, snack bars, or vending machines as well as food produced during culinary classes that is sold to students), during the school day must comply with the Federal nutrition standards. The *school campus* includes all areas of the property under the jurisdiction of the school that are accessible to students during the school day. This does not include teacher's lounges or other areas that are restricted to students. It is important to note that foods sold on the school campus that cannot be consumed onsite are exempt from this rule (e.g., frozen pizza fundraisers). The *school day* is defined as the time period from midnight through 30 minutes after the end of the official day.

As SFAs typically sell entrees, snacks, and beverages for consumption during the school day, understanding the regulations is very important. While the restrictions seem complicated at first, systems can be set up school-wide to help all involved decide what can be sold. The Alliance for a Healthier Generation's [Smart Snacks Product Calculator](#) helps take the guesswork out of determining whether a food or beverage is compliant with the standards. It also makes record keeping easy by allowing schools to print out a

report of the qualifications for documentation as SFAs are required to maintain records documenting compliance with the Smart Snacks requirements. Documents will be reviewed during Administrative Reviews.

Fundraisers

The USDA's final rule requires the State agency, the Department of Public Instruction (DPI), to establish limitations on the number of fundraisers held during school hours that may be exempt from the nutrition standards each school year. The intent is to allow for special exemptions for the purpose of conducting infrequent school sponsored fundraisers. In 2014, a survey was sent to stakeholders throughout the state in an attempt to gather feedback to determine how many exempt fundraisers, if any, that DPI should allow. We received over 800 responses from school administrators, school board members, school business officials, school food service professionals, teachers, students, parents, and community members. We were grateful for the breadth of responses and read all comments. As we considered all of the responses, we wanted to make sure that we found a solution that provides for maximum flexibility at the SFA or local level. Our goal is to maintain a healthy food environment for all students while minimizing the financial impact on SFAs and student groups. Note: The sale of food items that meet the Smart Snacks general and nutrient standards as well as non-food fundraisers are not affected.

Wisconsin's Fundraiser Exemption Policy:

DPI allows two fundraiser exemptions per student organization per school year.
Each exempt fundraiser may be up to two consecutive weeks in length.

While the Smart Snacks standards represent the minimum standards and the exemption policy represents the maximum exemptions allowed, SFAs have the discretion to establish additional restrictions on competitive foods and further limit fundraiser exemptions through their Local School Wellness Policy as long as they are not inconsistent with Federal requirements.

There are several successful fundraising ideas that are unrelated to food or that embrace the idea of providing access to only healthy food. Gift card sales, trash bag sales, garage sales, hosting a community race/walk, school dance, teacher student competitions, and recycling drives have all proved to be profitable for schools in the past. Many more ideas and resources can be found on our [Smart Snacks](#) webpage, under Fundraiser Resources.

Schools play an important role in providing access to healthy food and limiting conflicting messages regarding healthy habits. Just as it is our responsibility to provide education about academic topics in schools, it is our responsibility to motivate and support the priceless skill of healthy eating.

Please see the DPI's [Smart Snacks](#) webpage for guidance, tools, and webcasts to assist you in implementing these guidelines.