

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

This document summarizes the federal and state requirements for foods and beverages sold and given to students from fundraisers in Connecticut public schools that participate in the U.S. Department of Agriculture’s (USDA) National School Lunch Program (NSLP) and choose **not** to implement the healthy food option of Healthy Food Certification (HFC) under [Section 10-215f](#) of the Connecticut General Statutes (C.G.S.). “Competitive foods” are all foods and beverages available for sale to students on school premises, separately from reimbursable meals and snacks served through the USDA’s Child Nutrition Programs (CNPs). Under Section 10-215b-1 of the Regulations of Connecticut State Agencies, competitive foods also include certain foods and beverages that are given to students while CNPs are operating.

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

The CSDE strongly encourages schools to promote consistent health messages to students by selling healthy foods or conducting nonfood fundraisers. The CSDE’s handout, [Healthy Fundraising](#), provides suggestions for fundraising with nonfood items and activities.

Overview of Federal and State Requirements

All foods and beverages available for sale to students from fundraisers in non-HFC public schools must comply with the USDA’s Smart Snacks nutrition standards ([81 FR 50131](#)). Beverages must also comply with any stricter requirements of the state beverage statute ([C.G.S. Section 10-221q](#)). In addition to these nutrition standards, fundraisers on school premises must comply with the following federal and state requirements:

- Connecticut’s statute requiring the sale of nutritious and low-fat foods ([C.G.S. Section 10-221p](#));
- Connecticut’s state competitive foods regulations ([Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies](#));
- the local educational agency’s (LEA) school wellness policy, as required by the USDA’s school wellness policy legislation ([Section 4 of Public Law 108-265](#) and the [Healthy, Hunger-Free Kids Act of 2010](#)); and



Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

- the USDA’s regulation for revenue from nonprogram foods ([7 CFR 210.14 \(f\)](#)).

These federal and state requirements determine what and when foods and beverages may be sold or given to students from fundraisers in non-HFC public schools. They also regulate the accrual of income from sales of foods and beverages to students.

- “Sales” means the exchange of a determined amount of money or its equivalent (such as coupons, tickets, 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 include coupons and similar items that are given to students (such as food rewards), and can be exchanged for certain foods and beverages. However, Smart Snacks does not apply when coupons and similar items are given to students.
- “Giving” means that foods and beverages are provided free of any charge, contribution, or suggested donations; and without the exchange of tickets, coupons, tokens, and similar items to obtain foods and beverages.
- “School premises” include all areas of the property under the jurisdiction of the local or regional board of education, the regional vocational-technical school system (Connecticut Technical Education and Career System (CTECS)), or the governing authority district or school.

When the Requirements Apply

Some of the federal requirements are stricter than the state requirements, and some of the state requirements are stricter than the federal requirements. Some requirements apply during the school day, while others apply at all times or while Child Nutrition Programs (CNP) are operating.

- The “school day” is the period from the midnight before to 30 minutes after the end of the official school day. For example, if school ends at 3:00 p.m., the school day is midnight to 3:30 p.m. A summer school program operated by the board of education or school governing authority is part of the regular school day.
- The CNPs include the [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.

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

The table below summarizes when the federal and state requirements apply to fundraisers in non-HFC public schools, which foods and beverages they regulate, and whether they apply to selling or giving foods and beverages to students.

Summary of requirements for fundraisers in non-HFC public schools				
Requirement	Applies to	When applies	Applies to	
			Selling	Giving
Smart Snacks (81 FR 50131)	All sales of foods and beverages to students from fundraisers on school premises, excluding foods and beverages that are intended for consumption at home, such as frozen pies and cookie dough (see “Allowable Foods” on page 5, “Fundraiser catalogs and orders” on page 15, and “Timing of distribution and consumption” on page 20).	During the school day.	Yes	No
State beverage statute (C.G.S. Section 10-221q)	All sales of beverages to students from fundraisers on school premises, regardless of when students will receive or consume the beverages (see “Allowable Beverages” on page 6).	At all times, except for sales that meet the exemption criteria of the state beverage statute (see “Beverage exemptions” on page 6).	Yes	No
State statute for nutritious and low-fat foods (C.G.S. Section 10-221p)	All sales of foods to students from fundraisers on school premises, regardless of when students will receive or consume the foods (see “State Statute Requiring Nutritious and Low-fat Foods” on page 7).	During the school day.	Yes	No

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

Summary of requirements for fundraisers in non-HFC public schools, continued				
Requirement	Applies to	When applies	Applies to	
			Selling	Giving
Section 10-215b-1 of the state competitive foods regulations	Selling and giving candy, coffee, tea, and soft drinks to students from fundraisers on school premises while any CNPs are operating, regardless of when students will receive or consume the foods and beverages (see “Section 10-215b-1” on page 8).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	Yes
Section 10-215b-23 of the state competitive foods regulations	Accrual of income from fundraisers selling foods and beverages to students on school premises while any CNPs are operating, regardless of when students will receive or consume the foods and beverages (see “Section 10-215b-23” on page 9).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	No
School Wellness Policy (Section 4 of Public Law 108-265 and the Healthy, Hunger-Free Kids Act (HHFKA) of 2010)	Selling and giving foods and beverages to students from fundraisers on school premises (see “USDA School Wellness Policy Requirements” on page 10).	During the school day.	Yes	Yes



Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

Summary of requirements for fundraisers in non-HFC public schools, continued				
Requirement	Applies to	When applies	Applies to	
			Selling	Giving
USDA’s regulation for revenue from nonprogram foods (7 CFR 210.14 (f))	All foods and beverages purchased using funds from the nonprofit school food service account and sold to students and adults from fundraisers on school premises, regardless of when students will receive or consume the foods (see “USDA Regulation for Revenue from Nonprogram Foods” on page 10). Note: Funds from the nonprofit school food service account are not typically used to purchase foods and beverages for fundraisers.	At all times.	Yes	No

Allowable Foods

All foods available for sale to students from fundraisers on school premises during the school day must comply with Smart Snacks, including commercial products and foods made from scratch. Smart Snacks does not apply to foods and beverages that are intended for consumption at home, such as frozen pies and cookie dough. For information on the specific Smart Snacks requirements, see the CSDE’s handout, [Summary of Smart Snacks Nutrition Standards](#), and visit the CSDE’s [Smart Snacks Nutrition Standards](#) webpage.

The CSDE’s [List of Acceptable Foods and Beverages webpage](#) identifies commercial food products that comply with Smart Snacks. Fundraiser coordinators may also use the Alliance for a Healthier Generation’s [Smart Snacks Product Calculator](#) to assess food products for compliance with Smart Snacks. **Note:** This tool cannot be used to identify allowable beverages because some requirements of the state beverage statute are stricter and supersede the Smart Snacks beverage standards.

For foods made from scratch, schools must review the recipe’s nutrition information per serving (included added accompaniments such as butter, cream cheese, syrup, ketchup, mustard, and salad dressing) to determine if the serving complies with the appropriate Smart Snacks food category. If

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

the recipe does not include nutrition information, schools must conduct a nutrient analysis; the CSDE's [CNS worksheet 9: Nutrient Analysis](#) can be used to calculate this information. For more information, see the CSDE's handout, [Guidance on Evaluating School Recipes](#), and visit the "How To" section of the CSDE's CNS webpage.

Allowable Beverages

All beverages available for sale to students from fundraisers in Connecticut public schools must comply with Smart Snacks and any stricter requirements of the state beverage statute (C.G.S. Section 10-221q). The Smart Snacks beverage standards apply to all beverages sold to students on school premises during the school day. The state beverage statute applies to all beverages sold to students on school premises at all times. Fundraisers cannot sell noncompliant beverages (such as juice drinks, soda, coffee, tea, sports drinks, and sweetened water) to students on school premises unless the sales are at the location of an event that meets the beverage exemption criteria of the state beverage statute. For more information, see "Beverage exemptions" below.

The CSDE's [List of Acceptable Foods and Beverages](#) webpage identifies commercial beverage products that comply with the state beverage statute and the Smart Snacks beverage standards. Connecticut public schools can sell only the following five categories of beverages to students: milk; 100 percent juice; nondairy milk substitutes; beverages containing only water and juice; and water. Each category must meet the specific nutrition requirements of the federal and state beverage standards. For information on these requirements, see the CSDE's handout, [Allowable Beverages in Connecticut Public Schools](#), and the CSDE's presentation, [Beverage Requirements for Connecticut Public Schools](#). For additional resources, visit the CSDE's [Beverage Requirements](#) webpage.



Beverage exemptions

Noncompliant beverages (such as juice drinks, soda, coffee, tea, sports drinks, and sweetened water) cannot be sold to students from fundraisers on school premises unless the local board of education or school governing authority has voted to allow exemptions, and: 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.

- An "event" is 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, awards banquets, school concerts, and theatrical productions. For example, soccer games, school plays, and school debates are events, but soccer practices, play rehearsals, and debate team meetings are not.

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

- “Location” means where the event is being held. For example, lemonade may be sold on the side of the soccer field during a soccer game, but cannot be sold in the school cafeteria while a game is played on the soccer field.

For example, if school ends at 3:00 p.m., noncompliant beverages could be sold to students from a fundraiser located at an event on school premises that occurs anytime between 3:31 p.m. through 11:59 p.m. during the school week, or anytime on Saturday or Sunday. However, if the event occurs while any CNPs are operating, Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies require additional restrictions for selling and giving coffee, tea, and soft drinks to students; and the accrual of income from all foods and beverages sold to students anywhere on school premises. For more information, see “State Competitive Foods Regulations” on page 8.

Beverage exemptions are not part of the annual HFC Statement, which applies only to foods. The board of education or school governing authority must vote separately to allow exemptions for beverages that do not comply with the state beverage statute. For more information on exemptions, see the CSDE’s handout, *Exemptions for Foods and Beverages in Public Schools*.

State Statute Requiring Nutritious and Low-fat Foods

C.G.S. Section 10-221p requires that whenever foods are available for purchase by students separately from reimbursable meals on school premises during the school day, nutritious and low-fat foods must also be available for sale at the same time, either at the location of the food sales 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.

Fundraisers on school premises that sell foods to students during the school day must also sell low-fat dairy foods and fresh or dried fruit, unless these foods are available for sale to students elsewhere on school premises at the same time. For fundraisers consisting of preordered foods, C.G.S. Section 10-221p applies when the foods are distributed to students, not when students order the foods. The nutritious low-fat foods specified in the statute must be available for purchase when students pick up the fundraiser foods. The intent of the statute is that when food is made available to students, there are also healthy alternatives.

C.G.S. Section 10-221p applies to all Connecticut public schools, even if they do not choose the healthy food option of HFC or do not participate in the CNPs. For more information on C.G.S. Section 10-221p, see the CSDE’s handout, *Questions and Answers on Connecticut Statutes for School Foods and Beverages*.

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

State Competitive Foods Regulations

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies restrict candy, coffee, tea, and soft drinks while CNPs are operating; and regulate the accrual of income from all foods and beverages sold to students anywhere on school premises while CNPs are operating. In addition to selling and giving foods and beverages to students, these restrictions apply to beverages at events that meet the exemption criteria of the state beverage statute; fee-based programs and activities that include the cost of foods and beverages provided to students; fundraisers where students can exchange coupons, tickets, tokens, and similar items for foods and beverages (including coupons and similar items that are sold or given to students); student orders for foods and beverages from fundraisers; distribution of fundraiser foods and beverages to students; and fundraisers that offer foods and beverages to students in exchange for a suggested donation. Sections 10-215b-1 and 10-215b-23 apply regardless of when students receive or consume the foods and beverages. Sections 10-215b-1 and 10-215b-23 apply regardless of when students receive or consume the foods and beverages.

Section 10-215b-1

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

- “Candy” includes all types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, hard candies, jelly candies (e.g., gumdrops and gummies), and breath mints.
- “Coffee” and “tea” include all types, e.g., regular, decaffeinated, herbal and iced.
- “Soft drinks” include all beverages (with or without carbonation) that contain water and/or juice and added sweeteners (including nutritive sweeteners 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.

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

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

These requirements are summarized below.

- **Selling Candy:** Smart Snacks prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 p.m. to 4:30 p.m., fundraisers cannot sell candy to students anywhere on school premises from 3:00 p.m. to 5:00 p.m. This includes student orders for candy from fundraisers.
- **Selling coffee, tea, and soft drinks:** The state beverage statute supersedes Section 10-215b-1 because it applies at all times, not just when CNPs are operating. Coffee, tea, and soft drinks cannot be sold to students on school premises unless the board of education or school governing authority has voted to allow beverage exemptions; the sales are located at an event that occurs after the school day or on the weekend; and the event does not occur while any CNPs are operating. For more information, see “Beverage exemptions” on page 6.
- **Giving candy, coffee, tea, and soft drinks:** Smart Snacks and the state beverage statute do not apply when foods and beverages are given to students. However, Section 10-215b-1 prohibits giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., fundraisers cannot give candy, coffee, tea, and soft drinks to students anywhere on school premises from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. Examples include fundraisers that give students coupons, tickets, tokens, or similar items that can be exchanged for candy, coffee, tea, and soft drinks; fundraisers that distribute fundraiser orders of candy, coffee, tea, and soft drinks to students; and fundraisers that give candy, coffee, tea, and soft drinks to students in exchange for a suggested donation.

The CSDE strongly encourages schools to promote consistent health messages to students by eliminating candy, coffee, tea, and soft drinks on school premises. For more information, see the CSDE’s handouts, [Healthy Fundraising](#), [Healthy Celebrations](#), and [Alternatives to Food Rewards](#).

Section 10-215b-23

Section 10-215b-23 of the state competitive foods regulations 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 nonprofit food service

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

account. This includes the income from sales of foods that comply with Smart Snacks; the income from sales of beverages that comply with Smart Snacks and the state beverage statute; the income from sales of beverages to students at events that meet the exemption criteria of the state beverage statute; the income from sales of coupons, tickets, tokens and similar items that students can exchange for foods and beverages at fundraisers; the income from student orders for foods and beverages from fundraisers; and the income from student donations in exchange for foods and beverages. “Income” means gross income. Section 10-215b-23 applies regardless of when students will receive or consume the foods.

For example, if the SBP operates from 7:00 a.m. to 8:00 a.m., the FFVP operates from 9:30 a.m. to 10:00 a.m., the NSLP operates from 11:30 a.m. to 1:00 p.m., and the ASP operates from 3:30 p.m. to 4:30 p.m., the nonprofit food service account must receive the fundraiser’s income from all foods and beverages sold to students anywhere on school premises from 6:30 a.m. to 8:30 a.m., 9:00 to 10:30 a.m., 11:00 a.m. to 1:30 p.m., and 3:00 p.m. to 5:00 p.m. For more information, see the CSDE’s handout, [Connecticut Competitive Foods Regulations](#), and CSDE’s [Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

USDA School Wellness Policy Requirements

The LEA’s school wellness policy may have additional local requirements for selling and giving foods and beverages to students. The Child Nutrition and WIC Reauthorization Act of 2004 ([Section 4 of Public Law 108-265](#)) required all schools and institutions participating in the NSLP and SBP to develop a school wellness policy by the first day of school year 2006-07. The [Healthy, Hunger-Free Kids Act of 2010](#) strengthened the SWP law by adding requirements for public participation, transparency, and implementation. Among other requirements, the 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 on school wellness policies, visit the CSDE’s [School Wellness Policies](#) webpage.



USDA Regulation for Revenue from Nonprogram Foods

Section [7 CFR 210.14 \(f\)](#) of the NSLP regulations requires that all revenue from the sale of nonprogram foods must accrue to the nonprofit school food service account. “Nonprogram foods” are foods and beverages purchased using funds from the nonprofit school food service account and sold to students or adults at any time or location on school premises, other than reimbursable meals and snacks served through the CNPs. Nonprogram foods include all foods and beverages sold in schools, adult meals, outside-of-school hours, and catering or vending activities. They also include

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

competitive foods purchased using funds from the nonprofit school food service account, 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 (SFA), cafeteria a la carte sales account for the majority of nonprogram foods.

This regulation also requires that when school food service labor is used to prepare foods for an outside entity (such as catering), the SFA must ensure that all costs, including labor and any other costs incurred, are covered by the entity being served by the school food service program. For more information, see [USDA Memo SP 13-2014: School Food Service Account Revenue from the Sale of Nonprogram Foods](#) and [USDA Memo SP 20-2016: Nonprofit School Food Service Account Nonprogram Food Revenue Requirements](#).

Note: Nonprogram foods are different from competitive foods. Competitive foods are all foods and beverages available for sale to students on school premises, separately from reimbursable meals and snacks served through the CNPs. Some competitive foods are purchased using funds from the nonprofit school food service account, but many are not. For example, funds from the nonprofit school food service account might be used to purchase foods and beverages that are sold from vending machines in the cafeteria, but they are not typically used to purchase foods and beverages that are sold from fundraisers or school stores.

Complying with Federal and state Requirements

This section provides guidance on how the federal and state requirements for competitive foods apply to different types of fundraisers in non-HFC public schools. These requirements include Smart Snacks and Connecticut's statutes and regulations for competitive foods. The state statutes include the state beverage statute (C.G.S. Section 10-221q) and the state statute for nutritious low-fat foods (C.G.S. Section 10-221p). The state regulations for competitive foods include Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies.

Sales to adults

Smart Snacks and Connecticut's statutes and regulations for competitive foods do not apply to foods and beverages sold to non-students, such as school staff, parents, and other adults. Schools may sell foods and beverages to adults at any time, either on or off school premises.

However, Connecticut's statutes and regulations for competitive foods apply if students sell fundraiser foods and beverages to adults off school premises, deliver the fundraiser orders and money to school, and pick up the foods and beverages at school for delivery to customers. An example is a fundraiser that sells boxes of candy bars and bags of gourmet coffee. Under the state competitive foods regulations, foods and beverages are being sold to students when students

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

exchange money or its equivalent for foods and beverages on school premises, regardless of when students will receive or consume the foods and beverages. For more information, see “Fundraiser catalogs and orders” on page 15.

Adult education programs

Smart Snacks does not apply to adult education programs on school premises. However, Connecticut’s statutes and regulations for competitive foods do not address an age limit for students or distinguish between regular and adult education programs. Therefore, the state beverage statute and state competitive foods regulations apply to sales of foods and beverages to adults who are “students” in adult education programs under the board of education’s jurisdiction, if the beverage sales are under the control of the adult education program. The state statute for nutritious low-fat foods (C.G.S. Section 10-221p) does not apply unless the adult education program’s food sales occur during the school day. For more information, see the CSDE’s memo, [Requirements for Selling Foods and Beverages in Adult Education Programs](#).

Bake sales

Bake sales cannot sell noncompliant foods to students on school premises during the school day. Bake sales cannot sell noncompliant beverages to students on school premises at any time, unless the board of education or school governing authority has voted to allow beverage exemptions, and the bake sale is held after the school day or on the weekend at the location of an event that meets the exemption criteria of the state beverage statute. If the event occurs while any CNPs are operating, the bake sale must also comply with Sections 10-215b-1 and 10-215b-23 of the state competitive foods regulations.



Bake sales may sell compliant foods to students on school premises at any time, if the sales comply with C.G.S. Section 10-221p and the state competitive foods regulations. For example, a bake sale during the school day could sell muffins and cookies that are on the CSDE’s [List of Acceptable Foods and Beverages](#) webpage, because these foods comply with Smart Snacks. C.G.S. Section 10-221p requires that bake sales selling foods to students on school premises during the school day must also sell low-fat dairy foods and fresh or dried fruit, unless these foods are sold elsewhere on school premises at the same time. If the bake sale occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, Section 10-215b-23 of the state competitive foods regulations requires that the income from all foods and beverages sold to students during this time must accrue to the nonprofit food service account. For example, if the NSLP operates from 11:30

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

a.m. to 1:00 p.m., and a bake sale occurs on school premises during this same time, the nonprofit food service account must receive the bake sale's income from all foods and beverages sold to students from 11:00 a.m. to 1:30 p.m.

Smart Snacks and Connecticut's statutes and regulations for competitive foods do not apply when bake sales sell foods and beverages only to adults (such as teachers, staff, and parents), or when bake sales are held off school premises. For more information, see "Sales to adults" on page 11 and "Fundraisers off school premises" on page 16.

Candy

Candy includes all types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, hard candies, jelly candies (e.g., gumdrops and gummies), and breath mints. Smart Snacks prohibits sales of candy to students during the school day. In addition, Section 10-215b-1 of the state competitive foods regulations prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.

The CSDE strongly encourages schools to promote consistent health messages to students by eliminating candy on school premises. The LEA's school wellness policy may have other local requirements for selling and giving candy to students on school premises. For more information, see "USDA School Wellness Policy Requirements" on page 10.

Compliant foods and beverages

Foods that comply with Smart Snacks and beverages that comply with Smart Snacks and the state beverage statute may be sold to students from fundraisers on school premises at any time, if the sales also comply with C.G.S. Section 10-221p and Section 10-215b-23 of the state competitive foods regulations. C.G.S. Section 10-221p requires that fundraisers selling foods to students on school premises during the school day must also sell low-fat dairy foods and fresh or dried fruit, unless these foods are sold elsewhere on school premises at the same time. Section 10-215b-23 requires that the income from all foods and beverages sold to students from 30 minutes before up through 30 minutes after the operation of any CNPs must accrue to the nonprofit food service account. For more information, see "Allowable Foods" on page 5 and "Allowable Beverages" on page 6.

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

Coupons, tickets, and tokens

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



Connecticut's statutes and competitive foods regulations apply to all foods and beverages that students can obtain by exchanging coupons, tickets, tokens, and similar items on school premises, regardless of when students will receive or consume the foods and beverages. This includes coupons and similar items that are purchased by students, and coupons and similar items that are given to students at no charge, such as coupons for food rewards. For example, if a student club sells tickets on school premises that students can exchange for beverages, the beverages must comply with the state beverage statute. If a teacher rewards students with a coupon that can be exchanged for beverages, the beverages must comply with the state beverage statute. For example, students cannot be sold or given tickets that can be exchanged for hot chocolate because hot chocolate does not comply with the state beverage statute.

Sections 10-215b-1 and 10-215b-23 of the state competitive foods regulations require additional restrictions for coupons and similar items that students can exchange for foods and beverages. Section 10-215b-1 prohibits selling and giving candy, coffee, tea, and soft drinks to students from 30 minutes before up through 30 minutes after the operation of any CNPs. This includes coupons that students can exchange for candy, coffee, tea, and soft drinks. Section 10-215b-23 requires that the income from all sales to students during this time must accrue to the nonprofit food service account. This includes sales of coupons and similar items that students can exchange for foods and beverages. Sections 10-215b-1 and 10-215b-23 apply regardless of whether students purchase or are given the coupons; and regardless of when students will receive or consume the foods and beverages. For more information, see "Timing of distribution and consumption" on page 20.

Note: Using food as a reward has many negative consequences that go far beyond the short-term benefits of good behavior or performance. The CSDE strongly encourages schools to promote consistent health messages to students by eliminating food rewards. For more information, see the CSDE's handout, *Alternatives to Food Rewards*.

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

Fundraiser catalogs and orders

Smart Snacks does not apply to foods and beverages sold off school premises through fundraising catalogs, fliers, and similar promotions; or to foods intended for consumption at home, such as frozen cookie dough and boxes of Girl Scout cookies. Foods purchased through a fundraiser may be delivered on school premises during the school day if the foods being sold meet Smart Snacks or are not intended to be consumed on school premises during the school day. For more information, see “Timing of distribution and consumption” on page 20.

However, Connecticut’s statutes and regulations for competitive foods supersede Smart Snacks because they apply whenever students exchange money for foods and beverages on school premises, regardless of when students will receive or consume the foods and beverages. This includes orders for foods and beverages from fundraising catalogs, fliers, and similar promotions on school premises.

Students may bring fundraiser catalogs home and sell foods and beverages to anyone off school premises. However, if students deliver the fundraiser orders and money to school, and pick up the foods and beverages at school for delivery to customers, the fundraiser is selling foods and beverages to students on school premises. For example, students cannot deliver orders and money for bags of gourmet coffee to school, and pick up the coffee at school, because coffee does not comply with the state beverage statute.



The state beverage statute prohibits student orders for noncompliant beverages from fundraisers on school premises at all times, unless the board of education or school governing authority has voted to allow beverage exemptions, and the fundraiser is held after the school day or on the weekend at the location of an event that meets the exemption criteria of the state beverage statute. If the event occurs while any CNPs are operating, the fundraiser orders must also comply with Sections 10-215b-1 and 10-215b-23 of the state competitive foods regulations.

Section 10-215b-1 prohibits candy, coffee, tea, and soft drinks from being ordered by or distributed to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including orders at exempted events after the school day. Section 10-215b-23 requires that the fundraiser’s income from all food and beverage orders sold to students during this time must accrue to the nonprofit food service account. For example, if the At-risk Afterschool Meals program operates from 4:30 p.m. to 6:00 p.m., and a fundraiser sells orders for noncompliant foods and beverages on the side of the soccer field at a soccer game (exempted event) during the same time, the nonprofit food service account must receive the income from all foods and beverages ordered by students from 4:00 p.m. to 6:30 p.m. For more information, see “Food and Beverage exemptions” on page 6 and “Noncompliant foods and beverages” on page 18.

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

Allowable fundraiser procedures

Foods and beverages ordered and sold through fundraiser catalogs and fliers will comply with Connecticut's statutes and regulations for competitive foods when they follow the procedures below.

1. Students bring the fundraiser orders and money to school.
2. The distribution of the fundraiser foods and beverages complies with one of the following procedures: a) parents or other adults pick up the foods and beverages on school premises; b) students pick up the foods and beverages at an event on school premises that occurs after the school day or on the weekend, when CNPs are not operating; or c) the pick-up location for the foods and beverages is off school premises.
3. The district's pick-up policy for foods and beverages is clearly indicated on the school's fundraising flier and any written communication regarding the fundraiser.

Noncompliant beverages cannot be distributed to students on school premises unless the fundraiser follows these procedures. Noncompliant foods (excluding foods intended for consumption at home) cannot be distributed to students on school premises during the school day. Candy, coffee, tea, and soft drinks cannot be distributed to students on school premises while any CNPs are operating, including during or after the school day.

Note: If fundraisers distribute preordered foods to students on school premises during the school day, C.G.S. Section 10-221p requires that low-fat dairy foods and fresh or dried fruit must be available for purchase when the fundraiser foods are distributed to students, either at the location of the distribution or elsewhere on school premises at the same time. This statute applies regardless of when students will consume the foods.

Fundraisers off school premises

Smart Snacks and Connecticut's statutes and regulations for competitive foods do not apply to fundraising activities that take place off school premises, such as bake sales held at a supermarket or candy bar sales held at a town community center. However, the state beverage statute, state statute for nutritious low-fat foods (C.G.S. Section 10-221p), and state competitive foods regulations apply if students sell foods and beverages off school premises, deliver the fundraiser orders and money to school, and pick up the foods and beverages at school. Connecticut's statutes and regulations for competitive foods apply whenever students exchange money for foods and beverages on school premises, regardless of when students will receive or consume the foods and beverages. For more information, see "Fundraiser catalogs and orders" on page 15.

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

Gift cards and entertainment books

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



However, the state beverage statute, state statute for nutritious low-fat foods (C.G.S. Section 10-221p), and state competitive foods regulations apply to sales and orders for these items by students on school premises. Connecticut’s statutes and regulations for competitive foods apply whenever students on school premises purchase or order gift cards and similar items that can be exchanged for foods and beverages, regardless of where or when students can exchange them. This includes gift cards and similar items that can be exchanged for foods and beverages off school premises, such as gift cards for restaurants, convenience stores, fast food chains, and local dining establishments; but excludes supermarket gift cards.

If the gift cards or similar items can be exchanged for noncompliant foods and beverages, students may bring the orders and money to school, but parents or other adults must pick up the gift cards, unless the sales and orders follow the procedures for fundraiser catalogs and orders. For more information, see “Allowable fundraiser procedures” on page 16.

If any CNPs are operating, gift cards and similar items that students can exchange for foods and beverages must comply with state competitive foods regulations. Section 10-215b-1 prohibits gift cards and similar items that can be exchanged for candy, coffee, tea, and soft drinks from being sold or given to students, or exchanged by students, on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. Section 10-215b-23 requires that the fundraiser’s income from all sales of food and beverage gift cards and similar items to students during this time must accrue to the nonprofit food service account, excluding supermarket gift cards.

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

Gum

The [Federal Food, Drug, and Cosmetic Act](#) defines gum as a food.

Regular chewing gum does not comply with Smart Snacks and cannot be sold to students on school premises during the school day. Sugar-free chewing gum is exempt from Smart Snacks and may be sold to students on school premises at any time, if the sales also comply with C.G.S.



Section 10-221p and the state competitive foods regulations. C.G.S. Section 10-221p requires that fundraisers selling foods (including gum) to students during the school day must also sell low-fat dairy foods and fresh or dried fruit, unless these foods are sold elsewhere on school premises at the same time. Section 10-215b-23 of the state competitive foods regulations requires that the nonprofit food service account must receive the income from all sales of foods (including regular and sugar-free gum) and beverages to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. Section 10-215b-1 does not apply to gum because this regulation restricts only candy, coffee, tea, and soft drinks.

Noncompliant foods and beverages

Smart Snacks prohibits sales of noncompliant foods and beverages to students from fundraisers on school premises during the school day. The state beverage statute prohibits sales of noncompliant beverages to students from fundraisers on school premises at all times. Fundraisers cannot sell noncompliant beverages to students on school premises unless the board of education or school governing authority has voted to allow beverage exemptions, and the fundraiser is held after the school day or on the weekend at the location of an event that meets the exemption criteria of the state beverage statute. For more information, see “Beverage exemptions” on page 6.

Noncompliant foods and beverages must also comply with Sections 10-215b-1 and 10-215b-23 of the state competitive foods regulations. Section 10-215b-1 prohibits fundraisers from selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises (including exempted events) from 30 minutes before up through 30 minutes after the operation of any CNPs. Section 10-215b-23 requires that the fundraiser’s income from all foods and beverages sold to students during this time (including sales at exempted events) must accrue to the nonprofit food service account. These requirements also apply to student orders for foods and beverages during this time, and distribution of preordered foods and beverages to students during this time. For more information, see “Timing of distribution and consumption” on page 20.

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

Nonfood fundraisers

Smart Snacks and Connecticut’s statutes and regulations for competitive foods do not apply to non-food sales. Any requirements for sales of nonfood items to students are locally determined by the LEA. The CSDE strongly encourages schools to promote consistent health messages to students by conducting nonfood fundraisers. The CSDE’s handout, [Healthy Fundraising](#), provides suggestions for fundraising with nonfood items and activities.

Suggested donations for foods and beverages

Suggesting a student donation in exchange for foods and beverages is the same as selling foods and beverages to students. An example is a fundraiser that offers students a “free” cookie for a donation to a charity, school organization, or similar entity.

Smart Snacks prohibits fundraisers on school premises from offering noncompliant foods and beverages to students in exchange for a suggested donation during the school day. The state beverage statute prohibits fundraisers on school premises from offering noncompliant beverages to students in exchange for a suggested donation at all times. Noncompliant beverages cannot be offered (sold) to students on school premises in exchange for a suggested donation unless the board of education or school governing authority has voted to allow beverage exemptions, and the fundraiser is held after the school day or on the weekend at the location of an event that meets the exemption criteria of the state beverage statute. For more information, see “Beverage exemptions” on page 6.

If the event occurs while any CNPs are operating, the state competitive foods regulations require additional restrictions. Section 10-215b-1 prohibits fundraisers from giving candy, coffee, tea, and soft drinks to students in exchange for a suggested donation anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. Section 10-215b-23 requires that the fundraiser’s income from all student donations in exchange for foods and beverages during this time must accrue to the nonprofit food service account.

Fundraisers on school premises may offer foods that comply with Smart Snacks to students in exchange for suggested donation at any time, if they also comply with C.G.S. Section 10-221p and the state competitive foods regulations. For example, a fundraiser on school premises during the school day could offer cookies that are on the CSDE’s [List of Acceptable Foods and Beverages](#) webpage, because they comply with Smart Snacks. C.G.S. Section 10-221p requires that low-fat dairy foods and fresh or dried fruit must also be available for purchase at the same time, either at the location of the fundraiser or elsewhere on school premises. If the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, Section 10-215b-23 of the state competitive foods regulations requires that the income from all foods and beverages sold to students

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

during this time (including donations in exchange for foods and beverages) must accrue to the nonprofit food service account. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., and a fundraiser offers foods to students in exchange for a suggested donation during this same time, the nonprofit food service account must receive the fundraiser's income from all foods and beverages sold to students from 11:00 a.m. to 1:30 p.m.

Timing of distribution and consumption

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



However, Smart Snacks does not apply to foods and beverages intended for consumption at home. Examples include products distributed on school premises in a precooked state, such as frozen cookie dough, frozen pies, and frozen pizza; and products distributed on school premises in bulk quantities (multiple servings per package), such as boxes or bags of candy bars, Girl Scout cookies, popcorn, tea bags, hot chocolate packets, and gourmet coffee. However, the USDA encourages organizations to deliver foods at a time when parents are more likely to be present to collect them, for example, during specific drop-off or pick-up times.

Connecticut's statutes and regulations for competitive foods apply regardless of when the fundraiser foods and beverages will be distributed or consumed. If students deliver fundraiser orders and money to school and pick up the foods and beverages at school, the fundraiser is selling foods and beverages to students on school premises; it must comply with the state statutes and regulations for competitive foods.

The state beverage statute applies to all fundraisers selling beverages to students on school premises, regardless of when the beverages are distributed or consumed. This includes products distributed on school premises in bulk quantities (i.e., multiple servings per package), such as boxes or bags of gourmet coffee, hot chocolate packets, and tea bags. For example, students cannot order bags of coffee from a fundraiser on school premises because coffee does not comply with the state beverage statute.

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

Noncompliant beverages cannot be distributed to students on school premises unless the board of education or school governing authority has voted to allow beverage exemptions, and the beverages are distributed to students after the school day or on the weekend at the location of an event that meets the exemption criteria of the state beverage statute. For more information, see “Beverage exemptions” on page 6 and “Noncompliant foods and beverages” on page 18.

If a fundraiser distributes preordered compliant foods to students on school premises during the school day, C.G.S. Section 10-221p requires that low-fat dairy foods and fresh or dried fruit must be available for purchase when the fundraiser foods are distributed. If any CNPs are operating, fundraiser orders and distribution must comply with Sections 10-215b-1 and 10-215b-23 of the state competitive foods regulations. Section 10-215b-1 prohibits selling (including fundraiser orders) and giving (distributing) candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. Section 10-215b-23 requires that the fundraiser’s income from all foods and for sold to students during this time must accrue to the nonprofit food service account. This includes the income from sales of tickets and coupons that students can exchange for foods and beverages. For more information, see “Coupons, tickets, and tokens” on page 14 and “Fundraiser catalogs and orders” on page 15.

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

Resources

Allowable Beverages in Connecticut Public Schools (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/AllowableBeverages.pdf>

Beverage Requirements (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Beverage-Requirements>

Beverage Requirements for Connecticut Public Schools (CSDE presentation):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/BeveragesPresentation.pdf>

C.G.S Section 10-215f: Certification that food meets nutrition standards:

https://www.cga.ct.gov/current/pub/chap_169.htm#sec_10-215f

C.G.S. Section 10-221p: Boards to make available for purchase nutritious and low-fat foods:

https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221p

C.G.S. Section 10-221q: Sale of beverages:

https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221q

Competitive Foods in Schools (CSDE webpage)

<https://portal.ct.gov/SDE/Nutrition/Competitive-Foods>

Connecticut Competitive Foods Regulations (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/CTCompFoodRegulation.pdf>

CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools:

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2018/OM01-18.pdf>

Exemptions for Foods and Beverages in Public Schools (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/HFC/FoodBeverageExemptions.pdf>

Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HFFKA of 2010 (81 FR 50131).

<https://www.fns.usda.gov/school-meals/fr-072916d>

Fundraisers and Smart Snacks: Foods Not Intended for Consumption at School (USDA):

<https://fns-prod.azureedge.net/sites/default/files/cn/fundraisersfactsheet.pdf>

Guidance on Evaluating Recipes for Compliance with the Connecticut Nutrition Standards (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/HFC/EvaluateRecipeCNS.pdf>

Guide to Competitive Foods in Non-HFC Public Schools (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/CompetitiveFoodsGuideNonHFC.pdf>

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

Healthy Fundraising (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/Resources/HealthyFundraising.pdf>

List of Acceptable Foods and Beverages (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/List-of-Acceptable-Foods-and-Beverages>

Overview of Federal and State Laws for Competitive Foods in Connecticut Public Schools, Private Schools, and Residential Child Care Institutions:

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/OverviewFederalStateLaws.pdf>

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

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/RequirementsNonHFC.pdf>

Resources for Healthy Foods and Beverages in Schools (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/HFC/ResourcesHealthyFB.pdf>

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies:

https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10Subtitle_10-215b/

Smart Foods Planner (Alliance for a Healthier Generation):

<https://foodplanner.healthiergeneration.org/>

Smart Snacks Calculator (Alliance for a Healthier Generation):

<https://foodplanner.healthiergeneration.org/calculator/>

Smart Snacks Nutrition Standards (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Smart-Snacks-Nutrition-Standards>

Summary Chart: Federal and State Requirements for Competitive Foods in Non-HFC Public Schools (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/SummaryChartNonHFC.pdf>

Summary of Smart Snacks Nutrition Standards (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/SmartSnacks.pdf>

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools



For more information, visit the CSDE's [Competitive Foods in Schools](#) and [Beverage Requirements](#) webpages or contact the [school nutrition programs staff](#) at the Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at <https://portal.ct.gov/-/media/SDE/Nutrition/HFC/FundraisersNonHFC.pdf>.

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Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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