

Requirements for Food and Beverage Fundraisers in Private Schools and Residential Child Care Institutions

This document summarizes the federal and state requirements for foods and beverages sold and given to students from fundraisers in Connecticut private schools and residential child care institutions (RCCIs) that participate in the U.S. Department of Agriculture's (USDA) National School Lunch Program (NSLP) and School Breakfast Program (SBP). For guidance on how the federal and state requirements apply to different sources of foods and beverages in private schools and RCCIs, see the Connecticut State Department of Education's (CSDE) handouts, *Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions* and *Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions*. For detailed guidance on the requirements for competitive foods in private schools and RCCIs, see the CSDE's guide, *Guide to Competitive Foods in Private Schools and Residential Child Care Institutions*.

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 private schools and RCCIs 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 on school premises in private schools and RCCIs must comply with the USDA's Smart Snacks nutrition standards (81 FR 50131). In addition to these nutrition standards, fundraisers on school premises must also comply with the following federal and state requirements:

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

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These federal and state requirements determine what and when foods and beverages may be sold or given to students from fundraisers in private schools and RCCIs. They also address the accrual of income from sales of foods and beverages.

- “Sales” means the exchange of a determined amount of money (including the purchase of 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 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 to foods and beverages that can be obtained with coupons and similar items that 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 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.

Note: RCCIs may be eligible to participate in the ASP if they operate an afterschool care

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program with enrichment or education activities that meet the criteria for ASP participation. RCCIs may be eligible to serve At-risk Afterschool Meals if they have non-residential care programs and these programs offer afterschool education and enrichment programs for nonresidential children.

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

Summary of requirements for competitive foods in private schools and RCCIs				
Requirement	Applies to	When applies	Restricts	
			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 and Beverages” on page 5, “Fundraiser catalogs and orders” on page 12, and “Timing of distribution and consumption” on page 15).	During the school day.	Yes	No
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 (see “Section 10-215b-1” on page 6).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	Yes

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Summary of requirements for competitive foods in private schools and RCCIs				
Requirement	Applies to	When applies	Restricts	
			Selling	Giving
Section 10-215b-23 of the state competitive foods regulations	Accrual of income from all sales of foods and beverages to students from fundraisers on school premises while any CNPs are operating (see “Section 10-215b-23” on page 7).	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 8).	During the school day.	Yes	Yes
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 (see “USDA Regulation for Revenue from Nonprogram Foods” on page 8). 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

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Allowable Foods and Beverages

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 requirements of Smart Snacks, 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 and beverage products that comply with Smart Snacks. Vending operators may also use the Alliance for a Healthier Generation's [Smart Snacks Product Calculator](#) to assess product compliance with Smart Snacks. For foods made from scratch, vending operators 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 Smart Snacks. If the recipe does not include nutrition information, vending operators 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 Recipes for Compliance with the CNS*, and visit the "How To" section of the CSDE's CNS webpage.

Foods and beverages that do not comply with Smart Snacks could be sold to students from fundraisers on school premises after the school day. For example, if the school day ends at 3:00 p.m., fundraisers on school premises could sell noncompliant foods and beverages to students from 3:31 p.m. through 11:59 p.m. However, if any CNPs are operating, Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies require additional restrictions.

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 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.

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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, including during and after the school day.

- “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 may supersede Section 10-215b-1 or Section 10-215b-1 may supersede Smart Snacks. These requirements are summarized below.

- **Selling candy to all grades:** 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.
- **Selling coffee, tea, and soft drinks in elementary and middle schools:** Smart Snacks prohibits sales of coffee, tea, and soft drinks to elementary and middle school students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling 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 ASP operates from 3:30 p.m. to 4:30 p.m., fundraisers cannot sell coffee, tea, and soft drinks to elementary and middle school students anywhere on school premises from 3:00 p.m. to 5:00 p.m.

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- **Selling coffee, tea, and soft drinks in high schools:** Smart Snacks allows sales of coffee, tea, and soft drinks to high school students during the school day, if these beverages comply with the calorie limits for the Smart Snacks category of “other flavored and/or carbonated beverages” and the portion size does not exceed 12 fluid ounces. However, Section 10-215b-1 prohibits selling 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 7:30 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., fundraisers cannot sell coffee, tea, and soft drinks to high school students anywhere on school premises from 6:30 a.m. to 8:00 a.m. or 11:00 a.m. to 1:30 p.m.

Note: Fundraiser operators must evaluate beverages for compliance with the Smart Snacks category of “flavored and/or carbonated beverages” based on the amount served, including any added accompaniments such as milk, cream, sugar, and honey. Examples include coffee with milk and sugar, and tea with milk and honey. For example, the calories for milk, cream, and sugar must be included when determining if a serving of coffee meets the Smart Snacks calorie limits. For information on the category of “flavored and/or carbonated beverages” for high schools, see the CSDE’s handout, *Summary of Smart Snacks Nutrition Standards*.

- **Giving candy, coffee, tea, and soft drinks to all grades:** Smart Snacks does 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 giving students coupons, tickets, tokens, or similar items that can be exchanged for candy, coffee, tea, and soft drinks; distributing fundraiser orders of candy, coffee, tea, and soft drinks to students; and giving candy, coffee, tea, and soft drinks to students in exchange for a suggested donation at a fundraiser

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

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account. This includes the income from sales of foods and beverages that comply with Smart Snacks; 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 Regulations 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 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

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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 private schools and RCCIs. These requirements include the USDA's Smart Snacks nutrition standards and Connecticut's competitive foods regulations (Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies).

Sales to adults

Smart Snacks does not apply to foods and beverages sold to adults on school premises, such as school staff, parents, and other adults. Fundraisers can sell any foods and beverages to adults at any time, either on or off school premises.

However, the state competitive foods regulations apply if students sell 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 catalog that sells candy bars and bags of gourmet coffee. Under the state competitive foods regulations, foods and beverages are being sold to students whenever students exchange money or its equivalent for foods and beverages on school premises. For more information, see "Fundraiser catalogs and orders" on page 12.

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Bake sales

Bake sales cannot sell noncompliant foods and beverages to students on school premises during the school day. This includes bake sales where students can exchange purchased tickets for foods and beverages.



Bake sales on school premises could sell compliant foods to students at any time. 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. However, 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 a.m. to 1:00 p.m., 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 does 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" above and "Fundraisers off school premises" on page 13.

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 private schools and RCCIs 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 8.



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Compliant foods and beverages

Foods and beverages that comply with Smart Snacks may be sold to students from fundraisers on school premises at any time, if the sales also comply with Section 10-215b-23 of the state competitive foods regulations. 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 and Beverages” on page 4.

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.

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 15.

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](#).



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Fundraiser catalogs and orders

Smart Snacks does not apply to foods and beverages sold off school premises through fundraising catalogs, fliers, and similar promotions. Foods and beverages purchased through a fundraiser may be delivered on the school premises during the school day if the foods and beverages being sold comply with Smart Snacks, or are not intended to be consumed by students on school premises during the school day. However, the USDA encourages organizations to deliver the food items at a time when parents and caregivers are more likely to be present to collect them, for example, during specific drop-off or pick-up times. For more information, see “Timing of distribution and consumption” on page 15.



If any CNPs are operating, fundraiser catalogs and orders must comply with Sections 10-215b-1 and 10-215b-23 of the state competitive foods regulations. These regulations apply regardless of when students will receive or consume the foods and beverages. Section 10-215b-1 prohibits selling (including 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 beverages sold to students during this time must accrue to the nonprofit food service account. 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., students cannot order candy, coffee, tea, and soft drinks anywhere on school premises from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m.; and the fundraiser cannot distribute preordered candy, coffee, tea, and soft drinks to students during these times. In addition, the nonprofit food service account must receive the fundraiser’s income from all foods and beverages ordered by (sold to) students during these times.

Allowable fundraiser procedures

Foods and beverages ordered and sold through fundraiser catalogs and fliers will comply with Connecticut’s 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.

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Noncompliant foods and beverages (excluding foods and beverages 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.

Fundraisers off school premises

Smart Snacks and the state competitive foods regulations do not apply to fundraising activities that take place off school premises, such as bake sales at a supermarket or candy bar sales at a town community center. However, the state competitive foods regulations apply if students sell foods and beverages off school premises, deliver fundraiser orders and money to school, and pick up the foods and beverages at school for delivery to customers. Connecticut's competitive foods regulations apply whenever students exchange money for foods and beverages on school premises, regardless of when students receive or consume the foods and beverages. For more information, see "Fundraiser catalogs and orders" on page 12.

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, 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. Section 10-215b-1 prohibits selling (including orders) and distributing gift cards and similar items for 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 food and beverage gift cards sold to students during this time must accrue to the nonprofit food service account.

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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 Section 10-

215b-23 of the state competitive foods regulations. Section 10-215b-23 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. 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 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 beverages sold to students during this time must accrue to the nonprofit food service account. These requirements also apply to student orders for foods and beverages, and distribution of preordered foods and beverages to students during this time. For more information, see "Timing of distribution and consumption" on page 15.

Nonfood fundraisers

The federal and state regulations for competitive foods do not apply to nonfood sales. Any requirements for sales of nonfood items to students are locally determined by the LEA. The CSDE strongly encourages private schools and RCCIs 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.

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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 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.

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.

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.

However, Connecticut’s 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 regulations for competitive foods. 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

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sales of tickets that students can exchange for foods and beverages. For more information, see “Coupons, tickets, and tokens” on page 11 and “Fundraiser catalogs and orders” on page 12.

Resources

Beverage Requirements (CSDE webpage):

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

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>

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).

<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>

Guide to Competitive Foods in Private Schools and Residential Child Care Institutions (CSDE):

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

Questions and Answers on Smart Snacks (CSDE):

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

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

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

Requirements for Foods and Beverages in School Stores in Private Schools and RCCIs (CSDE):

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

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Requirements for Foods and Beverages in Vending Machines in Private Schools and RCCIs (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/HFC/VendingPrivate.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 Private Schools and Residential Child Care Institutions (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/SummaryChartprivateRCCI.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 Private Schools and RCCIs



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For more information, visit the CSDE's [Competitive Foods in Schools](#) and [Smart Snacks Nutrition Standards](#) 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/FundraisersPrivate.pdf>.

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- (1) mail: U.S. Department of Agriculture
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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