

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

This document summarizes the federal and state federal and state 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).

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Definition of Fundraisers

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 Connecticut State Department of Education's (CSDE) strongly encourages private schools and RCCIs to promote consistent health messages to students by selling healthy foods or conducting nonfood fundraisers. Suggestions for fundraising with nonfood items and activities are available in the CSDE's resource, [Healthy Fundraising](#).

Overview of Federal and State Requirements

All foods and beverages available for sale to students from fundraisers on school premises during the school day must comply with the USDA's Smart Snacks nutrition standards ([81 FR 50131](#)). In addition to these nutrition standards for foods and beverages, fundraisers must also comply with the federal and state laws for:

- **restrictions for selling and giving foods and beverages to students**, including the state regulation that restricts selling and giving candy, coffee, tea, and soft drinks to students ([Section 10-215b-1 of the Regulations of Connecticut State Agencies](#)); and the local educational agency's (LEA) school wellness policy, as required by the USDA's school wellness policy legislation (Child Nutrition and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Reauthorization Act of 2004 (Section 4 of [Public Law 108-265](#)) and the [Healthy, Hunger-Free Kids Act of 2010](#)); and
- **accrual of income from selling foods and beverages to students**, i.e., the state regulation that restricts income accrual ([Section 10-215b-23 of the Regulations of Connecticut State Agencies](#)).

These laws determine what and when foods and beverages may be sold or given to students on school premises, and where the income must accrue.

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The definitions below apply to these requirements.

- “Sales” means the exchange of a determined amount of money or its equivalent (such as tickets, coupons, 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. **Note:** Under Connecticut’s statutes and regulations for competitive food sales also include tickets and similar items that are given to students (such as food rewards) and can be exchanged for foods and beverages. Smart Snacks does not apply to foods and beverages that can be obtained with tickets 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 school governing authority.

For guidance on how the federal and state laws apply to different sources of foods and beverages in private schools and RCCIs, refer to the Connecticut State Department of Education’s (CSDE) resources, [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 more information, visit the “[Private Schools and RCCIs](#)” section of the CSDE’s [Competitive Foods in Schools](#) webpage.



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When the Laws Apply

The federal and state laws for competitive foods have different requirements. When the laws differ, the stricter requirements apply. 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 from midnight to 3:30 p.m. A summer school program operated by the 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 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.

Table 1 summarizes the three categories of laws that apply to fundraisers in private schools and RCCIs, when they apply, which foods and beverages they regulate, and whether they apply to selling or giving foods and beverages to students. These three categories include: 1) nutrition standards for foods and beverages; 2) restrictions for selling and giving foods and beverages to students; and 3) accrual of income from sales of foods and beverages to students.



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Table 1. Summary of laws that apply to fundraisers

Category	Law	Applies to	When applies
1: Nutrition standards for foods and beverages	<input checked="" type="checkbox"/> Federal <input type="checkbox"/> State Smart Snacks Nutrition Standards (81 FR 50131)	<input checked="" type="checkbox"/> Selling <input type="checkbox"/> Giving All foods and beverages available for sale to students on school premises, separately from reimbursable meals and ASP snacks through the CNPs (refer to “ Allowable Foods and Beverages ” in this document)	During the school day.
1: Nutrition standards for foods and beverages	<input checked="" type="checkbox"/> Federal <input type="checkbox"/> State School Wellness Policy (Public Law 108-265) and the Healthy, Hunger-Free Kids Act (HHFKA) of 2010) Final Rule 81 FR 50151	<input checked="" type="checkbox"/> Selling <input checked="" type="checkbox"/> Giving Locally determined nutrition standards and guidelines for all foods and beverages on school premises available for sale to students or provided to students free of charge, on school premises (refer to “ USDA School Wellness Policy (SWP) Requirements ” in this document).	During the school day.

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Category	Law	Applies to	When applies
2: Restrictions for selling and giving foods and beverages to students	<input type="checkbox"/> Federal <input checked="" type="checkbox"/> State Section 10-215b-1 of the Regulations of Connecticut State Agencies: Competitive foods (candy, coffee, tea, and soft drinks)	<input checked="" type="checkbox"/> Selling <input checked="" type="checkbox"/> Giving Selling and giving candy, coffee, tea, and soft drinks to students on school premises while any CNPs are operating (refer to " Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks " in this document).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. Note: The Smart Snacks nutrition standards supersede this timeframe because they apply during the school day.
3: Accrual of income from sales of foods and beverages to students	<input type="checkbox"/> Federal <input checked="" type="checkbox"/> State Section 10-215b-23 of the Regulations of Connecticut State Agencies: Accrual of Income	<input checked="" type="checkbox"/> Selling <input type="checkbox"/> Giving Accrual of income from all sales of foods and beverages to students on school premises while any CNPs are operating (refer to " Section 10-215b-23: Accrual of income " in this document).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.

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Allowable Foods and Beverages

Allowable foods include commercial products and foods made from scratch that comply with the following Smart Snacks requirements:

1) the food must meet at least one general standard; and 2) the serving with its accompaniments (such as butter, cream cheese, salad dressing, and condiments) must meet the specific nutrition standards for the applicable Smart Snacks food category. Some examples of foods with accompaniments include bagels with cream cheese, muffins with butter, french fries with ketchup, pancakes with syrup, tortilla chips with salsa, and chicken nuggets with dipping sauce.



Allowable beverages belong to one of the five Smart Snacks beverage categories and meet the portion limits. The beverage categories include: 1) plain water, with or without carbonation; 2) low-fat and fat-free milk, unflavored or unflavored, including nutritionally equivalent milk alternatives permitted by the school meal requirements, e.g., soy milk; 3) 100 percent fruit or vegetable juice, with or without carbonation; 4) 100 percent fruit or vegetable juice diluted with water (no added sweeteners), with or without carbonation; and for high schools only, 5) low-calorie and no-calorie beverages, with or without caffeine and/or carbonation, including calorie free flavored water.

Low-calorie and no-calorie beverages (high schools only) must meet calorie limits. For beverages that include accompaniments (such as coffee with milk and sugar or tea with honey), the calories for the beverage and its accompaniments must be added together to determine if the serving complies with the Smart Snacks calorie limits. For example, if a serving of coffee includes 2 tablespoons of milk and 2 teaspoons of sugar, calculate the total calories per serving for the coffee, milk, and sugar; then compare the total calories with the applicable calorie limit.

All foods and beverages available for sale to students from fundraisers during the school day must always comply with Smart Snacks. For specific information on the Smart Snacks requirements, refer to the CSDE's [Summary of Smart Snacks Nutrition Standards](#) and visit the CSDE's [Smart Snacks Nutrition Standards](#) webpage.

Smart Snacks does not apply to foods and beverages intended for consumption at home. However, the state statutes and competitive foods regulations supersede Smart Snacks because they apply regardless of when students will receive or consume foods and beverages. This includes orders for foods that will be distributed later and purchases of precooked products (such as frozen pies and cookie dough) and bulk products that contain multiple servings per

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package (such as boxes of candy bars or cookies, and bags of popcorn kernels or gourmet coffee beans).

Commercial products

The CSDE's [List of Acceptable Foods and Beverages](#) webpage identifies commercial food products that comply with Smart Snacks. Schools may also use the Alliance for a Healthier Generation's [Smart Snacks Product Calculator](#) to assess food products for Smart Snacks compliance.

Foods made from scratch

Culinary programs must evaluate all foods made from scratch for Smart Snacks compliance **before** they are sold a la carte to students. Foods made from scratch include the two categories below.

- **Category 1: foods prepared from ingredients using a standardized recipe:** Examples include entrees sold only a la carte (i.e., not as part of reimbursable NSLP and SBP meals) such as pizza, chef's salad, lasagna, and sandwiches; soups; cooked grains like rice or pasta with added salt and fat, e.g., oil, margarine, or butter; cooked vegetables with added salt and fat; salad with dressing; fruit smoothies; and baked goods like muffins and cookies.
- **Category 2: commercial foods with ingredients added after purchasing:** Examples include popping popcorn kernels in oil and adding salt; making muffins from a mix and adding butter and eggs; and adding sprinkles to commercial frozen cookie dough.

Adding ingredients to a commercial product changes its nutrition information per serving. To determine Smart Snacks compliance, these foods require a standardized recipe that indicates the amount of each ingredient and the nutrition information per serving.

The required Smart Snacks documentation for foods made from scratch includes: 1) a standardized recipe with the nutrition information per serving (including any accompaniments served with the food); and 2) documentation indicating that the nutrition information for the standardized recipe's serving with its accompaniments complies with Smart Snacks.

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Standardized recipes with nutrition information are not required for entrees that are sold a la carte on the day of service or the day after service in the NSLP or SBP. These entrees are exempt from Smart Snacks and may be sold a la carte during the meal service if they are offered in the same or smaller portion sizes as the NSLP and SBP, and with the same accompaniments.

This entree exemption applies only to the three Smart Snacks categories of main dish entree items (refer to the CSDE's [Summary of Smart Snacks Nutrition Standards](#)). Any other non-entree meal components sold separately from reimbursable meals must comply with Smart Snacks. For example, french fries that are part of reimbursable meals cannot be sold a la carte unless they meet Smart Snacks.

Steps for evaluating foods made from scratch

Culinary programs must complete the steps below to document that all foods made from scratch comply with Smart Snacks. Foods without this documentation cannot be sold to students.

1. **Determine the nutrition information per serving:**

Foods made from scratch must have an accurate standardized recipe that indicates the calories, fat, saturated fat, sodium, and sugars per serving, including any accompaniments served with the food. If this nutrition information is missing, the selling entity must conduct a nutrient analysis using a nutrient analysis software program, or a nutrient analysis database and the CSDE's [Connecticut Nutrition Standards \(CNS\) Worksheet 9: Nutrient Analysis of Recipes](#). For guidance on developing and using standardized recipes, visit the ["Standardized Recipes"](#) section of the CSDE's Crediting Documentation for the Child Nutrition Programs webpage.



2. **Verify the nutrition information per serving complies with Smart Snacks:** Compare the nutrition information for the standardized recipe's serving and its accompaniments with the required nutrition standards for the applicable Smart Snacks food category.

3. **Maintain documentation of Smart Snacks compliance on file:** Maintain each standardized recipe with its documentation of Smart Snacks compliance for the CSDE's Administrative Review of the school nutrition programs. For easy access, the CSDE recommends storing this information electronically in a computer folder. For more

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information, refer to the CSDE's resource, [Records Retention Requirements for the School Nutrition Programs](#).

For additional guidance on evaluating foods made from scratch, refer to the CSDE's resources, [Guidance on Evaluating Recipes for Compliance with the Connecticut Nutrition Standards](#) and [How to Evaluate Foods Made from Scratch for Compliance with the Connecticut Nutrition Standards](#), and visit the "Foods Made from Scratch" section of the CSDE's CNS webpage.

Note: While these resources are intended for Healthy Food Certification (HFC) public schools that follow the CNS, the steps for evaluating foods also apply to Smart Snacks.

Strategies to Ensure Compliance

Private schools and RCCIs are responsible for developing and implementing procedures to ensure that all fundraisers comply with Smart Snacks and the state laws for selling timeframes and income accrual. The most common noncompliance issue is not reviewing fundraisers in advance to ensure they comply with all state and federal laws for competitive foods. To prevent noncompliance issues, private schools and RCCIs must implement the strategies below.

1. **Develop and implement a fundraiser approval process:** Schools must implement a fundraiser approval process for reviewing fundraisers in advance to determine that they comply with one of the allowable fundraiser procedures (refer to "[Allowable Fundraising Procedures](#)" in this document).
2. **Evaluate all foods made from scratch before selling:** Determine that all foods made from scratch comply with Smart Snacks (refer to "[Foods made from scratch](#)" in this document). The required documentation includes: 1) an accurate standardized recipe that indicates the calories, fat, saturated fat, trans fat, sodium, and sugars per serving; and 2) documentation that the serving (including its accompaniments) complies with Smart Snacks. Foods without this documentation cannot be sold to students.

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Allowable Fundraising Procedures

The school's fundraiser approval process must ensure that fundraisers meet the federal and state laws for competitive foods. To be allowable, fundraisers must comply with one of the allowable fundraising procedures below. Fundraisers that do not follow these procedures cannot sell or distribute foods and beverages to students on school premises.

1. **Sales of compliant foods and beverages on school premises:** The fundraiser sells compliant foods and beverages to students on school premises. All foods and beverages available for sale to students from the fundraiser comply with Smart Snacks (refer to "[Allowable Foods and Beverages](#)" in this document). The sales do not occur while any CNPs are operating (refer to "[State Competitive Foods Regulations](#)" in this document).
2. **Sales of noncompliant foods and beverages after the school day:** The fundraiser sells noncompliant foods and beverages to students after the school day. The sales do not occur while any CNPs are operating (refer to "[State Competitive Foods Regulations](#)" in this document).
3. **Fundraiser catalogs and orders for noncompliant foods and beverages:** Students take orders for noncompliant foods and beverages off school premises and bring the orders and money to school. Students do not pick up the foods and beverages on school premises. The distribution of the fundraiser foods and beverages complies with one of the following: a) Parents or other adults pick up the beverages at school for delivery to customers; or b) the pick-up location for the foods and beverages is off school premises. The pick-up policy is clearly indicated on all written communication regarding the fundraiser, such as fundraiser catalogs and fliers.

The CSDE's [Sample Fundraiser Form for Healthy Food Certification](#) provides a template that districts may modify to develop a fundraiser approval process. **Note:** While this resource is intended for HFC schools, the steps for evaluating fundraisers also apply to Smart Snacks.

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Allowable Sales of Noncompliant Foods and Beverages

Noncompliant beverages may be sold to adults (such as school staff and parents) from fundraisers at any time. Noncompliant foods and beverages may be sold to students from fundraisers after the school day. For example, if school ends at 3:00 p.m., a fundraiser could sell cupcakes and lemonade to students anytime from 3:31 p.m. through 11:59 p.m. If the sales occur while any CNPs are operating, Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies require additional restrictions (refer to [“State Competitive Foods Regulations”](#) in this document).

USDA School Wellness Policy (SWP) Requirements

The LEA’s locally developed SWP may have additional requirements for selling and giving foods and beverages to students. The Child Nutrition and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Reauthorization Act of 2004 ([Public Law 108-265](#)) required all schools and institutions participating in the NSLP and SBP to develop a SWP by the first day of school year 2006-07. Section 204 of the Healthy, Hunger-Free Kids Act of 2010 ([Public Law 111-296](#)) strengthened the SWP law by adding requirements for public participation, transparency, and implementation. These requirements were effective August 29, 2016, under USDA’s final rule, [Local School Wellness Policy Implementation Under the HFFKA of 2010](#).

Among other requirements, the LEA’s SWP must include nutrition guidelines for all foods and beverages that are available for sale to students, or provided to students free of charge, on school premises during the school day. At a minimum, the LEA’s SWP for foods and beverages must meet all applicable federal and state nutrition standards and requirements. For more information on SWPs, visit the CSDE’s [School Wellness Policies](#) webpage.

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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; and regulate the accrual of income from all foods and beverages sold to students anywhere on school premises. These requirements apply to all entities that sell or give foods and beverages to students while any CNPs are operating. This includes tickets, coupons, tokens, and similar items that are sold or given to students and can be exchanged for foods and beverages; student orders for foods and beverages; and distribution of foods and beverages to students. Sections 10-215b-1 and 10-215b-23 apply regardless of when students will consume the foods and beverages.

Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks

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.

- “Candy” includes all types of regular and sugar-free varieties, such as chocolates; candy bars; chocolate-covered nuts and fruits; hard candies and lollipops; chewy candies like caramels, taffy, and licorice; jelly candies like gumdrops, gummies, and jelly beans; 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, nonnutritive sweeteners, and sugar alcohols) and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples 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

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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 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.
- **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 1) comply with the calorie limits for the Smart Snacks category of low-calorie and no-calorie beverages; and 2) meet the portion limits. 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 students on school premises from 6:30 a.m. to 8:00 a.m. or 11:00 a.m. to 1:30 p.m.

Fundraiser operators must evaluate coffee and tea for compliance with the Smart Snacks category of low-calorie and no-calorie beverages based on the amount served, including any added accompaniments such as milk, cream, sugar, and honey (refer to “[Allowable Foods and Beverages](#)” in this document). Examples include coffee with cream and sugar, and tea with milk and honey.



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- **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. The example below shows how Section 10-215b-1 applies to fundraisers.
 - **Example:** 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. Some examples include fundraisers that give students tickets, coupons, 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; even when allowed by federal and state laws.

Section 10-215b-23: Accrual of income

Section 10-215b-23 of the state competitive foods regulations requires that the gross 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 NSFSA. The NSFSA is the restricted revenue account used only for the operation or improvement of the nonprofit school food service.

All fundraiser sales of foods and beverages to students on school premises during this time must comply with this regulation. This includes:

- sales of foods and beverages that comply with Smart Snacks;
- sales of tickets, coupons, tokens and similar items that students can exchange for foods and beverages;
- student orders for foods and beverages; and
- student donations in exchange for foods and beverages.

The example below shows how Section 10-215b-23 applies.

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- **Example:** 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 NSFSA must receive the 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 on the competitive foods regulations, refer to the CSDE's [Overview of Connecticut's Competitive Foods Regulations](#) and [Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

Complying with the Fundraiser Requirements

The guidance below indicates how the federal and state laws for competitive foods apply to different types of fundraisers in private schools and RCCIs.

Sales to adults

The federal and state laws for competitive foods apply only to students. Fundraisers may sell noncompliant foods and beverages to adults (such as school staff and parents) at any time, either on or off school premises.

Bake sales

Smart Snacks and the state laws for competitive foods do not apply to bake sales that only sell foods to school staff and parents (refer to "[Sales to adults](#)" in this document) or to bake sales held off school premises (refer to "[Fundraisers off school premises](#)" in this document). However, these laws apply to bake sales that sell foods to students on school premises.

- **Compliant foods:** Bake sales held during the school day on school premises may sell compliant foods to students (refer to "[Compliant foods and beverages](#)" in this document) if the sales comply with C.G.S. Section 10-221p (refer to "[State Statute Requiring Nutritious and Low-fat Foods](#)" in this document) and the state competitive foods regulations (refer to "[State Competitive Foods Regulations](#)" in this document). The example below shows how these laws apply to sales of compliant foods.
 - **Example:** A bake sale on school premises during the school day sells muffins and cookies that are included on the CSDE's [List of Acceptable Foods and Beverages](#) webpage. This bake sale 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 this bake sale occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, Section 10-215b-23 of the state

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competitive foods regulations requires that the bake sale's income during this time must accrue to the NSFSA. For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., the NSFSA 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.

- **Noncompliant foods:** Bake sales cannot sell noncompliant foods to students until after the school day. If the bake sale occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions (refer to "[State Competitive Foods Regulations](#)" in this document). Section 10-215b-1 prohibits sales of candy, coffee, tea, and soft drinks to students on school premises during this time. Section 10-215b-23 requires that the bake sale's income from all foods and beverages sold to students during this time must accrue to the NSFSA.

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. Candy does not comply with Smart Snacks and cannot be sold to students on school premises 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 (refer to "[Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks](#)" in this document). The LEA's school wellness policy may have other local requirements for selling and giving candy to students on school premises (refer to "[USDA School Wellness Policy \(SWP\) Requirements](#)" in this document).

The CSDE strongly encourages private schools and RCCIs to promote consistent health messages to students by eliminating candy on school premises, even when allowed by federal and state laws.

Compliant foods and beverages

Compliant foods and beverages are those that meet the requirements of the Smart Snacks nutrition standards (refer to "[Allowable Foods and Beverages](#)" in this document). Fundraisers on school premises may sell compliant foods and beverages to students at any time, if the sales comply with Section 10-215b-23 of the state competitive foods regulations (refer to "[Section 10-215b-23: Accrual of income](#)" in this document).

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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; 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 comply with Smart Snacks or are not intended to be consumed on school premises during the school day (refer to [“Timing of Distribution and Consumption”](#) in this document). 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.

Connecticut’s regulations for competitive foods supersede Smart Snacks because they apply whenever students exchange money for foods and beverages on school premises. This includes orders and distribution of foods and beverages from fundraising catalogs, fliers, and similar promotions on school premises.

If the fundraiser orders or distribution occur on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions. Section 10-215b-1 prohibits candy, coffee, tea, and soft drinks from being sold to, ordered by, or distributed to students on school premises during this time, including sales, orders, and distribution orders at events. 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 NSFSA. The example below shows how Section 10-215b-23 applies to fundraiser orders.

- **Example:** The At-risk Afterschool Meals program serves supper on school premises from 4:30 p.m. to 6:00 p.m. A fundraiser takes orders for foods and beverages on the side of the soccer field at a soccer game (exempted event) during the same time (after the school day). Students cannot order candy, coffee, tea, or soft drinks from 4:00 p.m. to 6:30 p.m. The NSFSA must receive the fundraiser’s income from all foods and beverages ordered by (sold to) students during these times.

For additional guidance, refer to [“State Competitive Foods Regulations”](#) in this document.

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Fundraisers off school premises

Smart Snacks and Connecticut's 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 competitive foods regulations apply when 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 (refer to "[Fundraiser catalogs and orders](#)" in this document).

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 competitive foods regulations supersede Smart Snacks because they apply to gift cards and similar items sold to or ordered by students on school premises, regardless of where or when students can obtain the foods and beverages. 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 (ordering) 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 NSFSA.

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 during the school day if the sales comply with C.G.S. Section 10-221p (refer to "[State Statute Requiring Nutritious and Low-fat Foods](#)" in this document) and Section 10-215b-23 of the state competitive foods regulations (refer to "[Section 10-215b-23: Accrual of income](#)" in this document).

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Noncompliant foods and beverages

Noncompliant foods and beverages may be sold to adults (such as school staff and parents) at any time (refer to “[Sales to adults](#)” in this document).

Noncompliant foods and beverages cannot be sold to students during the school day but may be sold after the school day. If the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions, regardless of when the foods and beverages will be received or consumed. Section 10-215b-1 prohibits selling candy, coffee, tea, and soft drinks to students during this time. 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 NSFSA. These requirements also apply to student orders for noncompliant foods and beverages, and distribution of noncompliant foods and beverages to students (refer to “[Timing of Distribution and Consumption](#)” in this document).

Nonfood fundraisers

The federal and state laws for competitive foods do not apply to fundraisers that sell nonfood items. 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 resource, [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. Some examples include fundraisers that offer students a “free” cookie for donating to a charity, school organization, or similar entity; and fundraisers that offer “free” candy to the classroom that donates the most money to a charity.

- **Compliant foods and beverages:** Fundraisers could give compliant foods and beverages to students in exchange for a suggested donation at any time. However, 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 fundraiser’s income from all student donations for foods and beverages during this time must accrue to the NSFSA (refer to “[Section 10-215b-23: Accrual of income](#)” in this document). The example below shows how Section 10-215b-1 applies to fundraisers.
 - **Example:** The NSLP operates from 11:30 a.m. to 1:00 p.m. A fundraiser on school premises during the school day offers students a compliant cookie for

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donating money to a charity. The NSFSA must receive the fundraiser's income from all student donations offered in exchange for cookies from 11:00 a.m. to 1:30 p.m. **Note:** This cookie must comply with Smart Snacks because the sale (i.e., suggested donation) occurs during the school day.

- **Noncompliant foods and beverages:** Fundraisers on school premises cannot give noncompliant foods and beverages to students in exchange for a suggested donation during the school day. Noncompliant foods and beverages could be given to students in exchange for a suggested donation after the school day. However, if the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, 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 donation during this time. Section 10-215b-23 requires that the fundraiser's income from all student donations for foods and beverages during this time must accrue to the NSFSA.

For additional guidance, refer to "[State Competitive Foods Regulations](#)" in this document.

Tickets, coupons, and tokens

Smart Snacks applies when students purchase tickets, coupons, 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 tickets and similar items that are given to students free of any charge or contribution, such as food rewards.

If the fundraiser occurs while any CNPs are operating, Connecticut's competitive foods regulations supersede Smart Snacks because they apply to all foods and beverages that students can obtain by exchanging tickets, coupons, tokens, and similar items. These requirements apply regardless of 1) whether the tickets and similar items are purchased by students or given to students at no charge (such as coupons for food rewards); and 2) when students will receive or consume the foods and beverages (refer to "[Timing of Distribution and Consumption](#)" in this document). The example below shows how the state regulations apply to tickets and similar items.

- **Example:** The NSLP operates from 11:30 a.m. to 1:00 p.m. On Monday, a fundraiser sells tickets to students during this time. On Friday during the school day, students can exchange the tickets for cookies on school premises. These cookies must comply with Smart Snacks (refer to "[Allowable Foods](#)" in this document) because this fundraiser does not occur after the school day. In addition, section 10-215b-23 of the state competitive

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foods regulations requires that the income from all ticket sales during this time must accrue to the NSFSA because the NSLP is operating (refer to “[Section 10-215b-23: Accrual of income](#)” in this document).

For additional guidance, refer to “[State Competitive Foods Regulations](#)” in this document.

Timing of Distribution and Consumption

Fundraisers sometimes sell foods and beverages at a different time from when they will be distributed or consumed. For example, students might order and pay for foods and beverages on one day, then receive the products several weeks later. The federal and state laws have different restrictions for these types of fundraisers.

Foods and beverages intended for consumption at home

Smart Snacks applies to all student orders for foods and beverages that are distributed to, and 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 that are distributed on school premises in bulk quantities, i.e., multiple servings per package (such as boxes or bags of candy bars, Girl Scout cookies, popcorn, tea bags, hot chocolate packets, and bags of gourmet coffee).

Fundraiser orders and distribution during CNPs

If fundraiser orders and distribution occur while any CNPs are operating, the state competitive foods regulations require additional restrictions. Section 10-215b-1 prohibits fundraiser orders and distribution of 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 (including fundraiser orders and ticket sales) must accrue to the NSFSA. For more information, refer to “[Tickets, coupons, and tokens](#)” and “[Fundraiser catalogs and orders](#)” in this document.

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Connecticut's regulations for competitive foods supersede Smart Snack because they apply regardless of when students will consume the foods and beverages. The examples below show how these state requirements apply to fundraisers.

- **Example 1:** 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. A school fundraising organization requests to sell boxes of candy bars to students during these times. Section 10-215b-1 of the state competitive foods regulations prohibits this fundraiser because students cannot order candy, and candy cannot be distributed the candy to students, from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. (refer to "[Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks](#)" in this document).
- **Example 2:** 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. A fundraiser on school premises during the school day takes orders from students for frozen cookie dough that will be distributed to students later in the week. Section 10-215b-23 of the state competitive foods regulations requires that NSFSA must receive the fundraiser's income from all student orders during 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. (refer to "[Section 10-215b-23: Accrual of income](#)" in this document).

For additional guidance, refer to "[State Competitive Foods Regulations](#)" in this document.

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Resources

A Guide to Smart Snacks in School (USDA):

<https://www.fns.usda.gov/tn/guide-smart-snacks-school>

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>

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>

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

https://portal.ct.gov/-/media/sde/nutrition/hfc/evaluating_recipes_cns_compliance.pdf

List of Acceptable Foods and Beverages (CSDE webpage):

<https://portal.ct.gov/sde/nutrition/list-of-acceptable-foods-and-beverages>

Overview of Connecticut's Competitive Foods Regulations (CSDE):

https://portal.ct.gov/-/media/sde/nutrition/compfoods/overview_ct_competitive_foods_regulations.pdf

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

https://portal.ct.gov/-/media/sde/nutrition/compfoods/overview_federal_state_laws_competitive_foods.pdf

Private Schools and RCCIs (CSDE's Competitive Foods in Schools webpage):

https://portal.ct.gov/sde/nutrition/competitive-foods/documents#Private_Schools_RCCIs

Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools (CSDE):

https://portal.ct.gov/-/media/sde/nutrition/hfc/resources_federal_state_requirements_competitive_foods.pdf

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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 Snacks Product Calculator (Alliance for a Healthier Generation):

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

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/summary_chart_requirements_competitive_foods_private_rcci.pdf

Summary of Smart Snacks Nutrition Standards (CSDE):

https://portal.ct.gov/-/media/sde/nutrition/compfoods/summary_smart_snacks_nutrition_standards.pdf

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For more information, visit the CSDE's [Competitive Foods in Schools](#) webpage and [Smart Snacks Nutrition Standards](#) webpage or contact the [school nutrition programs staff](#) at the Connecticut State Department of Education, Bureau of Child Nutrition Programs, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841. This document is available at https://portal.ct.gov/-/media/sde/nutrition/hfc/fundraiser_requirements_private_rcci.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; or
2. fax: (833) 256-1665 or (202) 690-7442; or
3. email: program.intake@usda.gov

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