

<b>CRITERIA AND PROCEDURE</b>	
<b>BROAD SUBJECT: Nutrition Standards/Nutrition Education</b>	<b>NO: NSE – 05 – 02</b>
<b>TITLE: Competitive Foods: Smart Snacks</b>	<b>EFFECTIVE DATE: September 10, 2014</b>

**PURPOSE OF THIS CRITERIA/PROCEDURE –**

To provide technical assistance and procedures to School Food Authorities (SFA’s) that decide to sell food and beverages outside of/in addition to reimbursable meals during the school day after July 1, 2014. As part of the Healthy Hunger Free Kids Act, regulations were put into place to govern the sale of foods sold during the school day. While reimbursable meals remain the primary source of nutrition for students while at school, some schools allow the sale of food options that compete with school meal programs including food items sold a la carte, vending machines, school stores, snack bars and fundraisers. This criteria and procedure outlines the minimum standards that must be adhered to. Local entities may set standards that are stricter. To set a number of exempt fundraisers as allowed in the law. To allow Local Education Agencies (LEAs) a process for temporary exemption from the fundraiser limit for specified reasons.

**KEY TERMS AND DEFINITIONS –**

**Competitive Foods:** A “competitive food” is defined by 7 Code of Federal Regulations (CFR) 210.11 and 220.12 as any food item that is sold to children other than foods sold or served as part of the National School Lunch (NSLP) and School Breakfast (SBP) Programs on the school campus during the school day. Also referred to as Smart Snacks in Schools or All Foods Sold in Schools.

**School Campus:** The school campus is all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

**School Day:** The school day is defined as the period from the 12:00 am until 30 minutes after the official end of the school day.

**National School Lunch Program (NSLP) & School Breakfast Program (SBP):** NSLP and SBP mean the Programs under which participating schools operate a nonprofit lunch program in accordance with Part 7 of the CFR.

**Reimbursable Meal:** Meals served to eligible recipients under the NSLP and SBP that meet the requirements of the approved meal planning option.

**School Food Authority (SFA):** The governing body responsible for the administration of one or more schools, which has the authority to operate the SNP therein. Within the public school system, the SFA is the local board of education.

**Smart Snacks -** Science-based nutrition standards for snack foods and beverages sold to children at school during the school day.

**State Agency (SA):** Georgia Department of Education (GaDOE); State Department.

**Local Board of Education:** A county or independent board of education exercising control and management of a local school system pursuant to Article VIII, Section V, Paragraph II of the Georgia Constitution.

**Combination Food:** Products that contain two or more components representing two or more of the recommended food groups; fruit, vegetable, dairy, protein or grains.

**Sold/ Available to be sold:** Any food or beverage item provided to students in exchange for currency, tokens or tickets of any sort, including charges or “contributions”.

**Fundraiser:** An event that includes any activity during which currency/tokens/tickets, etc. are exchanged for the sale/purchase of a product in support of the school or school-related activities. This includes giving away food but suggesting a donation, since funds may be raised as a result.

## **CRITERIA AND/OR PROCEDURES –**

1. Competitive foods include, but are not limited to, foods sold in vending machines, snack bars, student stores, a la carte, at school activities, fundraisers and other venues.
2. All schools shall ensure that competitive foods and beverages meet, at a minimum the Nutrition Standards for All Foods Sold in Schools as required by the Healthy Hunger Free Kids Act of 2010:
  - a. Nutrition Standards for Foods
    - i. Any snack food sold in schools must:
      1. Be a “whole grain-rich” grain product; or
      2. Have as the first ingredient a fruit, a vegetable, a dairy product, or a protein food; or
      3. Be a combination food that contains at least ¼ cup of fruit and/or vegetable; or
      4. Contain 10% of the Daily Value (DV) of one of the nutrients of public health concern in the 2010 Dietary Guidelines for Americans (calcium, potassium, vitamin D, or dietary fiber).\*

- ii. Any entrée food sold in schools must be:
  - 1. A combination food of meat or meat alternate and whole grain rich food
  - 2. A combination food of vegetable or fruit and meat or meat alternate
  - 3. A meat or meat alternate alone with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters, and meat snacks (such as dried beef jerky).
  - 4. Any entrée item offered as part of the NSLP or SBP sold a la carte the day of service or the day after service (exempt from all nutrient standards).
- iii. Snack and entrée foods must also meet specific nutrient requirements:
  - 1. Calorie limits:
    - a. Snack items: ≤ 200 calories
    - b. Entrée items: ≤ 350 calories
  - 2. Sodium limits:
    - a. Snack items: ≤ 230 mg\*\*
    - b. Entrée items: ≤ 480 mg
  - 3. Fat limits:
    - a. Total fat: ≤35% of calories
    - b. Saturated fat: < 10% of calories
    - c. Trans fat: zero grams
  - 4. Sugar limit:
    - a. ≤ 35% of weight from total sugars in foods
- iv. Accompaniments such as cream cheese, salad dressing and butter must be included in the nutrient profile as part of the food item sold.

b. Nutrition Standards for Beverages

- i. All schools may sell:
  - 1. Plain water (with or without carbonation)
  - 2. Unflavored low fat milk
  - 3. Unflavored or flavored fat free milk and milk alternatives permitted by NSLP/SBP
  - 4. 100% fruit or vegetable juice and
  - 5. 100% fruit or vegetable juice diluted with water (with or without carbonation), and no added sweeteners.
- ii. Elementary schools may sell up to 8-ounce portions, while middle schools and high schools may sell up to 12-ounce portions of milk and juice. There is no portion size limit for plain water.
- iii. High schools may also sell “no calorie” and “lower calorie” beverage options.
  - 1. No more than 20-ounce portions of
    - a. Calorie-free, flavored water (with or without carbonation); and

- b. Other flavored and/or carbonated beverages that are labeled to contain < 5 calories per 8 fluid ounces or ≤ 10 calories per 20 fluid ounces.
    2. No more than 12-ounce portions of
      - a. Beverages with ≤ 40 calories per 8 fluid ounces, or ≤ 60 calories per 12 fluid ounces.
  3. Foods and beverages that meet the standards may be sold at anytime and anywhere on the school campus.
  4. All schools shall ensure that food and beverage fundraisers at a minimum meet the requirements as outlined in the Nutrition Standards for All Foods Sold in Schools as required by the Healthy Hunger Free Kids Act of 2010:
    - a. All foods and beverages that meet the nutrition standards may be sold at fundraisers at anytime and anywhere on the school campus.
    - b. The standards do not apply during non-school hours, on weekends and at off-campus fundraising events. The standards do not apply to fundraisers in which the food or beverage is clearly not for consumption on the school campus during the school day.
    - c. The standards allow the State Board of Education (SBOE) to set an infrequent number of exemptions for school-sponsored fundraisers that do not meet the nutrition standards. The SBOE has set the number of exempted fundraisers as no more than thirty (30) per school per school year.
      - i. The number applies to all organizations, programs or entities selling foods to students on the school campus during the school day.
      - ii. Each exempted fundraisers may operate no more than three (3) days. This means during the course of the year exempted fundraisers could operate no more than 90 days. This includes all exempted fundraising activities, including sale of and delivery of items.
      - iii. No exempted fundraiser may operate 30 minutes prior to meal service until 30 minutes after meal service is completed anywhere on the school campus.
      - iv. The number of exemptions is set at the school level and organizations, programs and entities within schools could work together and profit share if they would like to host an exempted fundraiser. Schools also have the discretion to set thirty (30) fundraising event days where any organization, program or entity that wishes to host an exempted fundraiser could participate on that day. Note these exempted fundraiser event days may operate no more than three (3) days.

4. The State Department shall develop a procedure for school districts to obtain a temporary exemption from the SBOE approved fundraiser limit. Reasons may include use of existing inventory, financial exigency, time needed to allow vendors to “right-size” portions or packages to meet the nutrition standards, time to fulfill any existing contracts, or other parameters set by the State Department.

\*On July 1, 2016, foods may not qualify using the 10% DV criteria.

\*\*On July 1, 2016, snack items must contain ≤ 200 mg sodium per item

## **AUTHORITY – FEDERAL**

Chapter 7, Code of Federal Regulation Parts 210.11 and 220.12

National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010; Interim Final Rule.

Available at <http://www.gpo.gov/fdsys/pkg/FR-2013-06-28/pdf/2013-15249.pdf>

## **AUTHORITY – STATE**

160-5-6-.01 Statewide School Nutrition Program

## **REFERENCES –**

Food and Nutrition Service, USDA. Smart Snacks in Schools. Available at: <http://www.fns.usda.gov/school-meals/smart-snacks-school>

Smart Snacks Product Calculator. Available at: [https://schools.healthiergeneration.org/focus\\_areas/snacks\\_and\\_beverages/smart\\_snacks/product\\_calculator/](https://schools.healthiergeneration.org/focus_areas/snacks_and_beverages/smart_snacks/product_calculator/)

SP23-2014: Questions & Answers Related to the "Smart Snacks" Interim Final Rule (3/5/14). Available at: <http://www.fns.usda.gov/sites/default/files/SP23-2014os.pdf>

SP35-2014: Grain Entrees Related to the Smart Snacks in School Standards (4/17/14). Available at: <http://www.fns.usda.gov/sites/default/files/SP35-2014os.pdf>

SP36-2014: Smart Snacks Nutrition Standards and Exempt Fundraisers (4/17/14). Available at: <http://www.fns.usda.gov/sites/default/files/SP36-2014os.pdf>

SP40-2014: Smart Snacks Nutrition Standards and Culinary Education Programs (4/22/14). Available at: <http://www.fns.usda.gov/sites/default/files/SP40-2014os.pdf>

“Smart Snacks in School” Nutrition Standards Interim Final Rule Questions and Answers. Available at: [http://www.fns.usda.gov/sites/default/files/allfoods\\_QandA.pdf](http://www.fns.usda.gov/sites/default/files/allfoods_QandA.pdf)