



NEW HAVEN PUBLIC SCHOOLS

MEMORANDUM

To: Finance and Operations Committee
From: Michael Pinto COO, Gail Sharry Food Service Director
Subject: F&O Agenda Item Request/Approval
Healthy Food Certification Statement
Meeting Date: June 1, 2020

To approve the **“Healthy Food Certification Statement”** – Addendum to an Agreement for Child Nutrition Programs (ED-099), to consider (1) the implementation of a Healthy Food Option; (2) to allow Food Exemptions; and (3) to allow Beverage Exemptions as follows:

“Pursuant to Section 10-215f of the C.G.S., the NHBOE certifies that:

- 1. All food items offered for sale to students in the schools under its jurisdiction, and not exempted from the Connecticut Nutrition Standards (CNS) published by the Connecticut State Department of Education, will comply with the CNS during the period of July 1, 2020, through June 30, 2021. This certification shall include all food offered for sale to students separately from reimbursable meals at all times and from all sources, including but not limited to, school stores, vending machines, school cafeterias, and any fundraising activities on school premises sponsored by the school or by non-school organizations and groups”.**
- 2. It will allow the sale to students of food items that do not meet the Connecticut Nutrition Standards provided that the following conditions are met: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the food items are not sold from a vending machine or school store. An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting or extracurricular activity. For example, soccer games, school plays, and interscholastic debates are events but soccer practices, play rehearsals, and debate team meetings are not. The “school day” is the period from midnight before to 30 minutes after the end of the official school day. “Location” means where the event is being held.**
- 3. It will allow the sale to students of beverages not listed in Section 10-221q of the Connecticut General Statutes provided that the following conditions are met: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the beverages are not sold from a vending machine or school store. An "event" is an occurrence that involves more than just a regularly scheduled practice, meeting or extracurricular activity. The “school day” is the period from midnight before to 30 minutes after the end of the official school day. “Location” means where the event is being held, and must be the same place as the food sales.**

The HFC statement is part of the CT State Department of Education’s Online Application and Claiming Systems for Child Nutrition Programs. Hard copies of the form are no longer required but statement must be presented and approved by the school district board of education.

Healthy Food Certification Statement For School Year: 2019 - 2020

09300 Status: Active

New Haven School Lunch

DBA:

New Haven Public Schools

54 Meadow Street

New Haven, CT 06511

Type of Agency: Educational Institution

Type of SNP Organization: Public

Note: All Connecticut public school districts that participate in the National School Lunch Program (NSLP) must complete this form. Public schools include regional educational service centers, the Connecticut Technical High School System, charter schools, interdistrict magnet schools, and endowed academies. Private schools and residential child care institution (RCCIs) do not complete this form. Healthy Food Certification (HFC) applies only to public schools.

Child State Department of Education
Addendum to Agreement for Child Nutrition Programs (ED-099)
Healthy Food Certification Statement

Section 1 - Background

Section 10-215e of the Connecticut General Statutes (C.G.S) directs the Connecticut State Department of Education (CSDE) to develop and publish nutrition standards (hereinafter, Connecticut Nutrition Standards (CNS)) for food items offered for sale to students at school separately from reimbursable meals sold as part of the National School Lunch Program (NSLP) and School Breakfast Program (SBP). C.G.S. Section 10-215f requires that each participant in the NSLP, including each local and regional board of education, the Connecticut Technical High School System, and the governing authority for each state charter school, interdistrict magnet school, and endowed academy, must certify each year in its annual application to the CSDE whether all food items made available for sale to students will meet the CNS. C.G.S. Section 10-215b further provides additional funding to NSLP participants who annually certify compliance with the CNS.

Section 2 - Certification Statement

Must be completed by all Connecticut public school districts that participate in the NSLP.

On behalf of the Board of Education or Governing Authority and pursuant to C.G.S. Section 10-215f, I hereby certify that all food items offered for sale to students in the schools under our jurisdiction, and not exempted from the CNS published by the CSDE, (select appropriate button)

Will

Will not

comply with the CNS during the period of July 1, 2019 through June 30, 2020. Such certification shall include all food offered for sale to students separately from reimbursable meals at all times and from all sources, including but not limited to, school stores, vending machines, school cafeterias, and fundraising activities on school premises, whether or not school sponsored.

I certify that the above selection reflects the HFC decision of the Board of Education or Governing Authority, as indicated in the attached meeting minutes. *Note: By checking this box, the authorized representative is **signing** the HFC Statement.*

Section 3 - Exemption Statement

To be completed only by districts/schools choosing the healthy food option, i.e., those districts/schools that checked "will" in Section 2.

Pursuant to Section 10-215f of the Connecticut General Statutes, I hereby acknowledge that the Board of Education or Governing Authority, (select appropriate button)

Will exclude from certification food items that do not meet the CNS, provided that (1) such food is sold in connection with an event occurring after the end of the regular school day or on the weekend, (2) such sale is at the location of the event, and (3) such food is not sold from a vending machine or school store.

Will not exclude from certification food items that do not meet the CNS.

Section 4 - Amendment to Agreement for Child Nutrition Programs (ED-099)

To be completed only by districts/schools choosing the healthy food option, i.e., those districts/schools that checked "will" in Section 2.

- ✓ Pursuant to Section 10-215f of the Connecticut General Statutes, the agreement for Child Nutrition Programs (ED-099) with the Board of Education or Governing Authority is hereby amended to include the above certification statement of compliance with the CNS and application for funding related to those standards. This addendum covers the period from July 1, 2019 through June 30, 2020.

Section 5 - Board Meeting Minutes

Sponsors must upload the minutes from the meeting of the Board of Education/Governing Authority indicating if HFC was approved and if the district/school will allow food exemptions that meet the exemption criteria. For more information, see the CSDE's handout, [Exemptions for Foods and Beverages in Public Schools](#).

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Attachment Count: 1


The Connecticut State Department of Education is committed to a policy of equal opportunity/affirmative action for all qualified persons. The Connecticut Department of Education does not discriminate in any employment practice, education program, or educational activity on the basis of age, ancestry, color, criminal record (in state employment and licensing), gender identity or expression, genetic information, intellectual disability, learning disability, marital status, mental disability (past or present), national origin, physical disability (including blindness), race, religious creed, retaliation for previously opposed discrimination or coercion, sex (pregnancy or sexual harassment), sexual orientation, veteran status or workplace hazards to reproductive systems, unless there is a bona fide occupational qualification excluding persons in any of the aforementioned protected classes.

Inquiries regarding the Connecticut State Department of Education's nondiscrimination policies should be directed to: Levy Gillespie, Equal Employment Opportunity Director/Americans with Disabilities Coordinator (ADA), Connecticut State Department of Education, 450 Columbus Boulevard, Suite 607, Hartford, CT 06103, 860-807-2071, Levy.Gillespie@ct.gov.

Section 6 - HFC District Contact Information


Note: This form must be completed by all public school districts that choose to implement Healthy Food Certification (HFC) under Section 10-215f of the Connecticut General Statutes (C.G.S.). Contact information is used to generate mailing lists and e-mail groups to provide districts with important information regarding HFC implementation.

A. District Contact Person for Healthy Food Certification

| | | | |
|-----------------------|---|-----------------------|----------------------|
| Name: | Salutation Mr. | First Name Michael | Last Name Gormany |
| Title: | Acting Budget Director | | |
| Email Address: |  mgormany@newhavenct.gov | | |
| Phone: | (203) 946-6413 | Ext: | Fax: (203) 946-7924 |
| Street Address | | | |
| Address Line 1: | 200 Orange Street | | |
| Address Line 2: | | | |
| City: | New Haven | | |
| State: | CT | Zip: | 06511 |


The district contact person is the point person identified by the district for coordinating the implementation and monitoring of HFC under C.G.S. Section 10-215f. This person will field questions, organize trainings and contact the CSDE for assistance when necessary. The district may consider using the team leader for School Wellness Policy in this capacity. For more information, see the CSDE's handout, [Responsibilities of District Contact Person for Healthy Food Certification](#).

B. District Superintendent

Name: Salutation **Dr.** First Name **Carol** Last Name **Birks**
 Title: Superintendent
 Email Address:  dr.carol.birks@new-haven.k12.ct.us
 Phone: (475) 220-1000 Ext: Fax:


Street Address
 Address Line 1: 54 Meadow St
 Address Line 2:
 City: New Haven
 State: CT Zip: 06511

C. District School Food Service Director

Name: Salutation **Ms.** First Name **Gail** Last Name **Sharry**
 Title: Director
 Email Address:  gail.cairns.sharry@nhboe.net
 Phone: (475) 220-1591 Ext: Fax: (203) 946-7468

Street Address
 Address Line 1: 75 Barnes Ave
 Address Line 2:
 City: New Haven
 State: CT Zip: 06513

D. District Business Manager

Name: Salutation **Mr.** First Name **Michael** Last Name **Pinto**
 Title: Interim OO
 Email Address:  mgormany@newhavenct.org
 Phone: (475) 220-1000 Ext: Fax: (203) 946-7300

Street Address
 Address Line 1: 54 Meadow St
 Address Line 2:
 City: New Haven
 State: CT Zip: 06511

E. Interschool Agreement

Does your school district provide lunches through a CSDE-approved interschool agreement to another **PUBLIC** school outside of your school district, e.g., another public school district, charter school, interdistrict magnet school or endowed academy? Yes No

*List only **PUBLIC** schools that have indicated on the interschool agreement that they will comply with HFC under C.G.S. Section 10-215f. Provide complete contact information for each school. Attach additional pages as necessary.*

Do not include agreements with private schools.


Name of school: Booker T Washington Academy
 Address Line 1: 804 State St
 Address Line 2:
 City: New Haven
 State: CT Zip: 06511

Does your school district have an approved Interschool Agreement** on file with the CSDE?

Yes No

Name: Salutation First Name Last Name

Title:

Email Address: 

Phone: Ext: Fax:

Name of school:

Address Line 1:


Address Line 2:

City:

State: Zip:

Name: Salutation First Name Last Name

Title:

Email Address: 

Phone: Ext: Fax:

Does your school district have an approved Interschool Agreement** on file with the CSDE? Yes No

Name of school:

Address Line 1:


Address Line 2:

City:

State: Zip:

Name: Salutation First Name Last Name

Title:

Email Address: 

Phone: Ext: Fax:

Does your school district have an approved Interschool Agreement** on file with the CSDE? Yes No

**Lunches served at recipient schools are only included in the sponsoring district's total lunches for HFC funding if 1) the recipient school certifies on their interschool agreement that they will comply with HFC; and 2) the CSDE receives the 2019-2020 interschool agreement by July 1, 2019. For a sample interschool agreement, see the CSDE's [Forms for School Nutrition Programs webpage](#).

F. School Store

Does your school district operate a school store or similar school-based enterprise that sells food or beverages to students? Yes No

G. Culinary Arts Program

Does your school district operate a culinary arts program that sells food or beverages to students? Yes No

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< Back

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Requirements for Competitive Foods in HFC Public Schools

This document summarizes the federal and state requirements for selling and giving competitive foods to students in Connecticut public schools that participate in the U.S. Department of Agriculture's (USDA) National School Lunch Program (NSLP) and choose to implement the healthy food option of Healthy Food Certification (HFC) under [Section 10-215f](#) of the Connecticut General Statutes (C.G.S.). "Competitive foods" are all foods and beverages available for sale to students on school premises, separately from reimbursable meals and snacks served through the USDA's Child Nutrition Programs (CNPs). Under Section 10-215b-1 of the Regulations of Connecticut State Agencies, competitive foods also include certain foods and beverages that are given to students while CNPs are operating.

For guidance on how the federal and state requirements apply to different sources of foods and beverages in HFC public schools, see the Connecticut State Department of Education's (CSDE) handout, [Summary Chart: Federal and State Requirements for Competitive Foods in HFC Public Schools](#). For detailed guidance on the requirements for competitive foods in HFC public schools, see the CSDE's [Guide to Competitive Foods in HFC Public Schools](#). For information on HFC, visit the CSDE's [HFC](#) webpage.

Overview of Federal and State Requirements

All foods available for sale to students separately from reimbursable meals in HFC public schools must comply with the [Connecticut Nutrition Standards](#) (CNS). All beverages available for sale to students in HFC public schools separately from reimbursable meals must comply with the USDA's Smart Snacks nutrition standards ([81 FR 50131](#)) and any stricter requirements of the state beverage statute ([C.G.S. Section 10-221q](#)). The state beverage statute also applies to beverages sold as part of reimbursable meals.

Note: While Smart Snacks addresses foods and beverages, only the beverage standards apply to HFC public schools. The food standards do not apply because the state HFC statute (C.G.S. Section 10-215f) requires compliance with the stricter CNS, which supersedes the Smart Snacks food standards. The references to Smart Snacks in this document refer to the beverage standards. For a comparison of the CNS and Smart Snacks, see the CSDE's handout, [Comparison of the Connecticut Nutrition Standards and the USDA's Smart Snacks Nutrition Standards](#).

In addition to the nutrition standards, HFC public schools must also comply with the following federal and state requirements:

- Connecticut's statute requiring the sale of nutritious and low-fat foods ([C.G.S. Section 10-221p](#));
- Connecticut's competitive foods regulations ([Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies](#));

Requirements for Competitive Foods in HFC Public Schools

- 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 \(f\)](#)).

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

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

When the Requirements Apply

Some of the federal requirements are stricter than the state requirements, and some of the state requirements are stricter than the federal requirements. Some requirements apply during the school day, while others apply at all times or while CNPs 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](#)

Requirements for Competitive Foods in HFC Public Schools

(CACFP) At-risk Afterschool Meals operated in schools, and Summer Food Service Program (SFSP) operated in schools.

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

| Summary of requirements for competitive foods in HFC public schools | | | | |
|---|--|--|------------|--------|
| Requirement | Applies to ¹ | When applies | Applies to | |
| | | | Selling | Giving |
| Connecticut Nutrition Standards (C.G.S. Section 10-215e) | All sales of foods to students on school premises separately from reimbursable meals and snacks through the CNPs, but including foods in the ASP (see “Connecticut Nutrition Standards” and “Allowable Foods” on page 6). | At all times, except for sales that meet the food exemption criteria of the state HFC statute (see “Food and Beverage Exemptions” on page 7). ¹ | Yes | No |
| State beverage statute (C.G.S. Section 10-221q) | All sales of beverages to students on school premises, as part of and separately from reimbursable meals and snacks through the CNPs (see “Allowable Beverages” on page 7). | At all times, except for sales that meet the exemption criteria of the state beverage statute (see “Food and Beverage Exemptions” on page 7). ² | Yes | No |
| USDA’s Smart Snacks (81 FR 50131) | All sales of beverages to students on school premises, separately from reimbursable meals and snacks through the CNPs (see “Allowable Beverages” on page 7). Note: While Smart Snacks addresses foods and beverages, only the beverage standards apply to HFC public schools. The food standards do not apply because the state HFC statute (C.G.S Section 10-215f) requires compliance with the stricter CNS. | During the school day. | Yes | No |

Requirements for Competitive Foods in HFC Public Schools

| Summary of requirements for competitive foods in HFC public schools, continued | | | | |
|--|---|--|------------|--------|
| Requirement | Applies to ¹ | When applies | Applies to | |
| | | | Selling | Giving |
| State statute for nutritious and low-fat foods (C.G.S. Section 10-221p) | All sales of foods to students on school premises during the school day, separately from reimbursable meals and snacks through the CNPs (see “State Statute Requiring Nutritious and Low-fat Foods” on page 8). | 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 on school premises while any CNPs are operating (see “Section 10-215b-1” on page 9). | From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. | Yes | Yes |
| Section 10-215b-23 of the state competitive foods regulations | Accrual of income from all sales of foods and beverages to students on school premises while any CNPs are operating (see “Section 10-215b-23” on page 10). | 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 on school premises, separately from reimbursable meals and snacks through the CNPs (see “USDA School Wellness Policy Requirements” on page 11). | During the school day. | Yes | Yes |

Requirements for Competitive Foods in HFC Public Schools

| Summary of requirements for competitive foods in HFC public schools | | | | |
|---|--|---------------|------------|--------|
| Requirement | Applies to ¹ | When applies | Applies to | |
| | | | Selling | Giving |
| USDA’s regulation for revenue from nonprogram foods (7 CFR 210.14 (f)) | All foods and beverages purchased using funds from the nonprofit school food service account, and sold to students (other than reimbursable meals and snacks served through the CNPs) or adults at all times on school premises (see “USDA Regulation for Revenue from Nonprogram Foods” on page 11). Note: Cafeteria a la carte sales are the most common source of nonprogram foods. | At all times. | Yes | No |
| <p>¹ The state statutes and competitive foods regulations apply to all foods and beverages on school premises, regardless of when students will receive or consume them. Examples include products distributed on school premises in a precooked state, such as frozen cookie dough; 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, and gourmet coffee. Smart Snacks does not apply to foods and beverages intended for consumption at home, such as precooked products and products in bulk quantities.</p> <p>² Vending machines and school stores are ineligible for food exemptions under the state HFC statute and beverage exemption under the state beverage statute; they can never sell noncompliant foods and beverages to students.</p> | | | | |

State HFC Statute

The state HFC statute (C.G.S Section 10-215f) requires that each board of education or school governing authority for all Connecticut public schools participating in the NSLP must certify annually to the CSDE whether they will comply with the CNS. Public schools are not required to comply with the CNS, but are required by the state HFC statute to certify each year whether they will or will not comply with the CNS. The board of education or school governing authority must vote on whether the district will comply the CNS for all foods sold to students separately from reimbursable meals. If the district chooses to comply, the board of education or governing authority must also vote on whether to allow food exemptions.

Requirements for Competitive Foods in HFC Public Schools

The annual certification is completed online in the Healthy Food Certification Statement (Addendum to Agreement for Child Nutrition Programs (ED-099)), which must be submitted to the CSDE by July 1 of each year. HFC public schools receive additional funding, based on the total number of reimbursable lunches served in the district in the prior school year. For information on the HFC application process, HFC requirements, and a list of current HFC districts, visit the CSDE's [HFC](#) webpage.

Connecticut Nutrition Standards

In 2006, [C.G.S. 10-215e](#) required the CSDE to develop state nutrition standards for all foods sold to students separately from reimbursable meals on school premises at all times and from all sources, including cafeterias, school stores, vending machines, fundraisers, and any other sources of food sales to students. The CNS also applies to all foods in reimbursable ASP snacks. For information on the specific CNS requirements, see the CSDE's handout, [Summary of Connecticut Nutrition Standards](#), and the CSDE's presentation, [Connecticut Nutrition Standards](#). For additional resources, visit the CSDE's [CNS](#) webpage.

Allowable Foods

All foods available for sale to students on school premises separately from reimbursable meals and all foods in reimbursable ASP snacks must comply with the CNS, including commercial products and foods made from scratch. The CSDE's [List of Acceptable Foods and Beverages](#) webpage identifies commercial food products that comply with the CNS.

For foods made from scratch, schools must review the recipe's nutrition information per serving (included added accompaniments such as butter, cream cheese, syrup, ketchup, mustard, and salad dressing) to determine if the serving complies with the appropriate CNS food category. If the recipe does not include nutrition information, the CSDE's [CNS worksheet 9: Nutrient Analysis](#) can be used to calculate this information. The recipe's nutrition information per serving must be entered into the appropriate CNS worksheet for the food category, using the CSDE's CNS worksheets 1-8 in the [Documents/Forms](#) section of the CNS webpage. 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.

Noncompliant foods cannot be sold to students on school premises unless the sales meet the food exemption criteria of the state HFC statute. For more information, see "Food and Beverage Exemptions" on page 7.

Requirements for Competitive Foods in HFC Public Schools

Allowable Beverages

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

The CSDE’s [List of Acceptable Foods and Beverages webpage](#) identifies commercial beverage products that comply with the state beverage statute and the Smart Snacks beverage standards. Connecticut public schools can sell only the following five categories of beverages to students: milk; 100 percent juice; nondairy milk substitutes; beverages containing only water and juice; and water. Each category must meet the specific nutrition



requirements of the federal and state beverage standards. For information on these requirements, see the CSDE’s handout, [Allowable Beverages in Connecticut Public Schools](#), and the CSDE’s presentation, [Beverage Requirements for Connecticut Public Schools](#). For additional resources, visit the CSDE’s [Beverage Requirements](#) webpage.

Food and Beverage Exemptions

Foods that do not comply with the CNS and beverages that do not comply with the state beverage statute cannot be sold to students on school premises unless the local board of education or school governing authority has voted to allow exemptions, and: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the foods and beverages are not sold from a vending machine or school store.

- An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. Events involve a gathering of people in a social context, such as sports competitions, awards banquets, school concerts, and theatrical productions. For example, soccer games, school plays, and school debates are events, but soccer practices, play rehearsals, and debate team meetings are not.
- “Location” means where the event is being held. For example, cookies and lemonade may be sold at the baseball field during a baseball game, but cannot be sold in the school cafeteria while a baseball game is played on the baseball field.

If the board of education or school governing authority has voted to allow exemptions, noncompliant foods and beverages could be sold to students at the location of an event that occurs after the school day or on the weekend. For example, if the school day ends at 3:00 p.m., foods that

Requirements for Competitive Foods in HFC Public Schools

do not comply with the CNS and beverages that do not comply with the state beverage statute could be sold to students from a fundraiser located at an event that occurs anytime between 3:31 p.m. through 11:59 p.m. during the school week, or anytime on Saturday or Sunday. However, if the event occurs while any CNPs are operating, Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies require additional restrictions for selling and giving coffee, tea, and soft drinks to students; and the accrual of income from all foods and beverages sold to students anywhere on school premises. For more information, see “State Competitive Foods Regulations” on page 9.

The vote to allow food exemptions is part of the online annual HFC Statement (Addendum to Agreement for Child Nutrition Programs (ED-099)) that districts must submit to the CSDE by July 1 of each year. Beverage exemptions are not part of the annual HFC Statement, which applies only to foods. The board of education or school governing authority must vote separately to allow exemptions for sales of beverages that do not comply with the state beverage statute. For more information, see the “[Apply](#)” section of the CSDE’s [HFC](#) webpage, and CSDE’s handout, [Exemptions for Foods and Beverages in Public Schools](#).

State Statute Requiring Nutritious and Low-fat Foods

C.G.S. Section 10-221p requires that whenever foods are available for purchase by students separately from reimbursable meals during the school day, nutritious and low-fat foods must also be available for sale at the same time, either at the location of the food sales or elsewhere in the school. The statute defines “nutritious and low-fat foods” as low-fat dairy foods (such as low-fat cheese and low-fat or nonfat yogurt) and fresh or dried fruit. Low-fat milk is a beverage and cannot be used to meet the statutory requirement for low-fat foods.

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

C.G.S. Section 10-221p applies to all Connecticut public schools, even if they do not choose the healthy food option of HFC or do not participate in the CNPs. The statute does not apply to the ASP, unless it begins before the end of the school day. For more information on C.G.S. Section 10-221p, see the CSDE’s handout, [Questions and Answers on Connecticut Statutes for School Foods and Beverages](#).

Requirements for Competitive Foods in HFC Public Schools

State Competitive Foods Regulations

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies require additional restrictions for candy, coffee, tea, and soft drinks, and the accrual of income from all foods and beverages sold to students anywhere on school premises. In addition to selling and giving foods and beverages to students, these restrictions apply to foods at events that meet the exemption criteria of the state HFC statute; beverages at events that meet the exemption criteria of the state beverage statute; fee-based programs and activities that include the cost of foods and beverages provided to students; programs and activities 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.

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.

- “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, the CNS, state beverage statute, and Smart Snacks beverage standards may supersede Section 10-215b-1; or Section 10-215b-1 may supersede the CNS, state beverage statute, and Smart Snacks beverage standards. These requirements are summarized below.

- **Selling candy, coffee, tea, and soft drinks:** The CNS and state beverage statute supersede Section 10-215b-1 because they apply at all times, not just while CNPs are operating. Schools cannot sell candy, coffee, tea, and soft drinks to students unless the board of education or school governing authority has voted to allow food and beverage exemptions;

Requirements for Competitive Foods in HFC Public Schools

the sales are held at the location of an event that occurs after the school day or on the weekend; and the event does not occur while any CNPs are operating. Candy, coffee, tea, and soft drinks can never be sold to students from vending machines or school stores. The state HFC statute and state beverage statute specifically prohibit exemptions for vending machines and school stores.

- **Giving candy, coffee, tea, and soft drinks:** The CNS, Smart Snack beverage standards, and state beverage statute do not apply when foods and beverages are given to students. However, Section 10-215b-1 prohibits giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., candy, coffee, tea, and soft drinks cannot be given 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 candy, coffee, tea, and soft drinks to students as rewards; giving candy, coffee, tea, and soft drinks to students at classroom parties; 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 account. This includes the income from sales of foods that comply with the CNS; the income from sales of beverages that comply with Smart Snacks and the state beverage statute; the income from sales of beverages to students at events that meet the exemption criteria of the state beverage statute; the income from sales of coupons, tickets, tokens, and similar items that students can exchange for foods and beverages; the income from program and activity fees charged to cover the cost of foods and beverages provided to students; the income from student orders for foods and beverages; and the income from student donations in exchange for foods and beverages. "Income" means gross income.

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 income from all foods and beverages

Requirements for Competitive Foods in HFC Public Schools

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.

If any vending machines operate during this time, the gross income (not just the percentage of the income specified in the vending machine contract) must accrue to the nonprofit food service account. For example, if a vending machine contract specifies that the school food service department receives 20 percent of the total vending sales, and the vending machine operates from 30 minutes before up through 30 minutes after the operation of any CNPs, the school food service department must receive 100 percent of the total vending sales (gross income) during this time. For more information, see the CSDE's handout, [Connecticut Competitive Foods Regulations](#), and CSDE's [Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

USDA School Wellness Policy Requirements

The LEA's school wellness policy may have additional local requirements for selling and giving foods and beverages to students. The Child Nutrition and WIC Reauthorization Act of 2004 ([Section 4 of Public Law 108-265](#)) required all schools and institutions participating in the NSLP and SBP to develop a school wellness policy by the first day of school year 2006-07. The [Healthy, Hunger-Free Kids Act of 2010](#) strengthened the SWP law by adding requirements for public participation, transparency, and implementation. Among other requirements, the school wellness policy must include nutrition guidelines for all foods and beverages that are sold or given to students on school premises during the school day. At a minimum, the LEA's school wellness policy for foods and beverages must meet all applicable federal and state nutrition standards and requirements. For more information on school wellness policies, visit the CSDE's [School Wellness Policies](#) webpage.



USDA Regulation for Revenue from Nonprogram Foods

Section [7 CFR 210.14 \(f\)](#) of the NSLP regulations requires that all revenue from the sale of nonprogram foods must accrue to the nonprofit school food service account. "Nonprogram foods" are foods and beverages purchased using funds from the nonprofit school food service account and sold to students or adults at any time or location on school premises, other than reimbursable meals and snacks served through the CNPs. Nonprogram foods include all foods and beverages sold in schools, adult meals, outside-of-school hours, and catering or vending activities. They also include competitive foods purchased using funds from the nonprofit school food service account, such as cafeteria a la carte sales or foods and beverages for vending machines operated by the food service department. For most school food authorities (SFA), cafeteria a la carte sales account for the majority of nonprogram foods.

Requirements for Competitive Foods in HFC Public Schools

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 competitive foods that are sold from vending machines in the cafeteria, but they are not typically used to purchase competitive foods that are sold from school stores and fundraisers.

Resources

Allowable Beverages in Connecticut Public Schools (CSDE):

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

Alternatives to Food Rewards (CSDE):

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

Beverage Requirements (CSDE webpage):

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

Beverage Requirements for Connecticut Public Schools (CSDE presentation):

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

C.G.S Section 10-215e: Nutrition standards for food that is not part of lunch or breakfast program:

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

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

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

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

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

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

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

Competitive Foods in Schools (CSDE webpage)

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

Complying with Healthy Food Certification (CSDE presentation):

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

Requirements for Competitive Foods in HFC Public Schools

Connecticut Nutrition Standards (CSDE webpage):

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

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

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

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

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

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

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

Fundraiser Requirements (CSDE presentation):

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

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

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

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

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

Healthy Food Certification (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification>

Healthy Celebrations (CSDE):

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

Healthy Fundraising (CSDE):

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

How to Evaluate Foods Made from Scratch for Compliance with the CNS (CSDE):

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

How to Evaluate Purchased Foods for Compliance with the CNS (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/HFC/EvaluatePurchasedCNS.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 Connecticut Statutes for School Foods and Beverages (CSDE):

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

Requirements for Food and Beverage Fundraisers in HFC Public Schools (CSDE):

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

Requirements for Competitive Foods in HFC Public Schools

Requirements for Foods and Beverages in School Stores in HFC Public Schools (CSDE):

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

Requirements for Foods and Beverages in Vending Machines in HFC Public Schools (CSDE):

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

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

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

School Wellness Policies (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/School-Wellness-Policies>

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/

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

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

Summary of Connecticut Nutrition Standards (CSDE)

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

Requirements for Competitive Foods in HFC Public Schools



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For more information, visit the CSDE's [Healthy Food Certification](#) and [Connecticut Nutrition Standards](#) webpages or contact the [HFC Coordinator](#) 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/RequirementsHFC.pdf>.

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

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