



# COLORADO DEPARTMENT *of* EDUCATION

## OFFICE OF SCHOOL NUTRITION

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To: School Nutrition Directors and Main Nutrition Contacts  
From: Jane Brand, Director – Office of School Nutrition  
Date: June 5, 2014  
Subject: Fundraiser Exemptions for All Foods Sold in School

The USDA has released its interim final rule for “Smart Snacks in School.” This is a part of the National School Lunch Program and School Breakfast Program which outlines nutrition standards for all foods sold in schools that participate in the federal school meal programs.

This rule requires that food and beverage items sold during the school day meet food and nutrition standards for competitive foods, but also allows for special exemptions for conducting infrequent, school-sponsored fundraisers. The rule includes a mandate for state agencies to establish the number of allowable exempt fundraisers, which do not meet the food and nutrition standards. Based on feedback from school food service directors statewide, the Colorado Department of Education Office of School Nutrition (CDE OSN) will allow up to three exemptions per school building for school year 2014-2015. The duration of the fundraisers will be determined by the Local Educational Agencies (LEA). However, the duration must comply with the intent of the legislation to increase the consumption of healthy foods during the school day and create an environment that reinforces the development of healthy eating habits.

LEAs must also comply with the current state regulations governing beverage sales per the Colorado Healthy Beverage Policy. Food and beverage fundraisers meeting the standards and the exempted food and beverage fundraisers may be sold on the school campus during the school day except during the meal service, and for a period beginning ½ hour prior to and until ½ hour after each meal service.

LEAs must establish procedures necessary to ensure compliance with the Smart Snacks interim final rule. This includes documenting and maintaining records (i.e. invoices and food labels or product specifications) for all foods available for sale to students in areas under its jurisdiction and outside the control of the School Food Authority (SFA).

The Smart Snacks standards would not apply to: (1) items sold during non-school hours, weekends or off-campus fundraising events; (2) foods brought from home for personal consumption; and/or (3) fundraiser foods not intended for consumption during the school day.

The Smart Snacks in School interim final rule food and nutrition standards will become effective on July 1, 2014.

To support school food service authorities and the LEAs, CDE Public School Finance Associate Commissioner Leanne Emm will send a letter to all superintendents with information regarding the implementation of and compliance with the Smart Snacks interim final rule.

Please contact the [CDE OSN](#) at 303-866-6661 or visit the [Competitive Foods \(Smart Snacks in School\)](#) webpage, if you have questions regarding the implementation of the interim final rule.