



# COLORADO DEPARTMENT *of* EDUCATION

## OFFICE OF SCHOOL NUTRITION

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**Robert K. Hammond**  
Commissioner of Education

**Keith Owen, Ph.D.**  
Deputy Commissioner

To: Superintendents  
From: Leanne Emm, Associate Commissioner, Public School Finance  
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 program.

This rule requires that food and beverage items sold during the school day meet the food and nutrition standards for competitive foods, but also allows for special exemptions for the purposes of conducting infrequent, school-sponsored fundraisers. The rule also 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 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. 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.

Local education agencies must also comply with the current state regulations governing beverage sales per the Colorado Healthy Beverage Policy. Food and beverage fundraisers that meet 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.

Local education agencies 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.

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.

The school nutrition director and personnel within your local education agency have received guidance and various training opportunities from the CDE Office of School Nutrition on the implementation of the Smart Snack rule, and they are encouraged to work with your administration to ensure compliance within the local education agency. The CDE Office of School Nutrition is dedicated to assisting and



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supporting your School Food Authority and local education agency with the implementation of and compliance with the Smart Snacks interim final rule in school year 2014-2015 by continuing to provide guidance, training, and technical assistance.

This policy will be monitored throughout the 2014-2015 school year and if found to be unworkable, this policy will be reviewed and revised as allowed by the USDA.

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