



Background

The Nutrition Standards for All Foods Sold in School as required by the Healthy, Hunger-Free Kids Act of 2010 (Smart Snacks) require that states establish a policy regarding the number of allowable exempt fundraisers, which do not meet the food and nutrition standards. The regulation also states that exempt fundraisers should be infrequent. As defined in federal regulation for the purpose of competitive food standards implementation:

- School campus means all areas of the property under the jurisdiction of the school that are accessible to students during the school day
- School day means the period from the midnight before, to 30 minutes after the end of the official school day

Colorado Policy

The CDE Office of School Nutrition policy regarding exempt fundraisers is as follows:

- Schools can have up to three exempt fundraisers per school building per school year
- The duration of the fundraisers will be determined by the Local Education Agency (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 comply with the Smart Snacks standards, the Colorado Healthy Beverage Policy and the Colorado Competitive Food Service Policy
- Food and beverage fundraisers meeting the standards and exempt 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
- This policy will remain in place until the Smart Snacks final rule is published at which time the policy will be revised, if necessary

Additional Information

Many fundraising opportunities exist that do not involve food. There are no limits imposed by this policy on non-food fundraising activities. Further, schools can be more restrictive than the state policy by modifying their local wellness policy. The following areas are not affected by the federal regulation but can be restricted by the school:

- Items sold during non-school hours, weekends or off-campus fundraising events
- Foods brought from home for personal consumption
- Foods given to students as part of classroom celebrations, birthday parties, etc.
- Fundraiser foods not intended for consumption at school

Resources

- US Department of Agriculture - <http://www.fns.usda.gov/school-meals/smart-snacks-school>
- CDE Office of School Nutrition - <http://www.cde.state.co.us/nutrition/nutricompetitivefoods.htm>
- Alliance for Healthier Generation - https://www.healthiergeneration.org/take_action/schools/snacks_and_beverages/smart_snacks/

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