United States Department of Agriculture

Food and Nutrition Service

3101 Park Center Drive
Alexandria, VA 22302-1500

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SUBJECT: Implementation of Smart Snacks in School: State Agency Fundraiser Elections and Exemptions

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) directed the Department of Agriculture (USDA) to establish nutrition standards for all foods and beverages sold to students on the school campus during the school day, including foods sold through school fundraisers. On June 28, 2013, the Food and Nutrition Service (FNS) published the "Smart Snacks in School" (Smart Snacks) regulation that carefully balances science-based nutrition standards with practical and flexible solutions to promote healthier eating on campus.

We recognize that fundraisers play a vital role in providing additional sources of income to school districts to support extracurricular activities, such as sports, drama and music, that contribute to students' education, physical health and overall well-being. The Smart Snacks regulations do not apply to fundraisers that do not sell food or to fundraisers that take place outside of school (for example cookie dough or frozen pizza sales). Secondly, there are no limits on the number of fundraisers that may be held when all foods sold in a fundraiser meet the Smart Snacks requirements. Furthermore, the Smart Snacks standards do not apply to after-hours fundraisers or after-hours concessions that operate during athletic events, school concerts or on weekends.

In addition, States have the authority to set their own policy relating to fundraisers that do not meet these criteria, i.e., "exempt fundraisers." States can establish a procedure in their fundraising policy whereby schools may request approval for additional numbers of exempt fundraisers to be held. On April 17, 2014, FNS issued Policy Memo SP 36-2014, titled "Smart Snacks Nutrition Standards and Exempt Fundraisers," that fully explains State agency flexibility and options in determining the right fundraising policies for its schools. Here is the link to that memorandum: http://www.fns.usda.gov/sites/default/files/SP36-2014os.pdf.

Establishing Exempt Fundraiser Policy for Schools

State agencies have the authority to set a policy for school-sponsored fundraisers that sell foods or beverages that do not meet the nutrition standards for Smart Snacks. Such specially exempted fundraisers must not take place more often than the frequency specified by the State. States have the responsibility to set an upper limit on the number of exempt school-sponsored fundraisers that may be conducted in the schools and may not delegate the authority to specify exempt fundraiser frequency to local educational agencies or to school food authorities. If the State agency decides not to establish an upper limit, then it is electing to prohibit any exempt fundraisers from being held in schools in the State. There is no deadline by which a State must make this election; it may do so at any time.

Fundraiser Flexibilities

As discussed above, Policy Memo SP 36-2014 clarifies that States have the authority to establish a procedure in their fundraising policy whereby schools may request approval for additional numbers of exempt fundraisers to be held. For example, if a State agency sets a limit of three exempt fundraisers per year, the State agency has the authority to permit individual schools and school districts to request approval for additional numbers of fundraisers to be held in their schools. States also have the authority to modify their fundraising policy at any time during the school year should they wish to do so, or in future years. We believe this approach supports the intent of HHFKA and the Smart Snacks nutrition standards to ensure the development of a healthier school environment.

Guidance and Information to Assist States and Schools

A number of tools and resources are available to help school staff, parents, and students identify food items that meet the Smart Snacks criteria as well as incorporate healthy fundraising activities in their schools. Policy guidance and resource materials on Smart Snacks may be found at the Food and Nutrition Service website at http://www.fns.usda.gov/healthierschoolday/tools-schools-smart-snacks. This site also includes information that specifically addresses fundraisers (http://healthymeals.nal.usda.gov/local-wellness-policy-resources/wellness-policy-elements/healthy-fundraising and http://www.fns.usda.gov/sites/default/files/allfoods_fundraisers.pdf). It also includes many other practical resources, including a Smart Snacks calculator, a Smart Snacks fact sheet, ways to encourage children to make healthier snack choices, and many others to help schools create a healthier school environment by providing Smart Snacks.

In addition, USDA partners have developed other fundraising resources for school staff, parents and students from organizations committed to healthy nutrition in schools. The Center for Disease Control (CDC) has many resources to help support implementation of nutrition policies in schools. The CDC resources may be found at http://www.CDC.gov/healthyyouth. In addition, the Alliance for a Healthier Generation also has excellent resources on fundraising activities and strategies at http://www.healthiergeneration.org. These are just two of the many resources available for information on healthy fundraisers in schools.

As we begin a healthy start to this new school year, it is important that you share this information with your LEAs as soon as possible. State agencies may direct any questions concerning this guidance to the appropriate Food and Nutrition Service Regional Office. We look forward to continuing our partnership with you to improve the nutrition of our Nation's children.



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