**Smart Snacks Questions and Answers**

# General

## What schools or entities need to comply with the Smart Snacks regulations?

Any school that participates in the National School Lunch (NSLP) and/or School Breakfast Program (SBP) must comply with the Smart Snacks regulations. If the school does not participate in either program,
this regulation does not pertain.

## Under the Smart Snacks regulation, how is the school campus defined?

The Smart Snacks rule defines school campus as “all areas of the property under the jurisdiction of the school that are accessible to students during the school day”. Once off campus the Smart Snacks standards no longer apply.

## Under the Smart Snacks regulation, how is the school day defined?

The school day is defined as midnight before, to 30 minutes after the end of the official school day. So, if items
are sold 30 minutes after the end of the official school day, the standards do not apply. Also, if the sales are to
non-students (parents, faculty/staff), the standards do not apply.

## Does the Smart Snacks regulation apply to foods or beverages brought from home?

No, the Smart Snacks regulation does not apply to foods brought from home by students for their own consumption, or to foods brought by parents to be given free of charge to students at birthday parties and special events.

## Can districts be more restrictive than the regulations on Smart Snacks and the State fundraiser allowance?

Yes, districts may be more restrictive than the Federal Smart Snacks standards and the State exempted fundraiser allowance. This should be specified in the Local School Wellness Policy or a separate Competitive Foods Policy.

## What if food is sold to parents on the school campus during the school day and the parent gives/shares it with their child?

The Smart Snacks regulations apply to foods sold to students only, we cannot control what a parent does. As long as the non-compliant foods are not accessible for the student to purchase, the district would be in compliance with the Smart Snack requirements.

## Are incentives allowed (i.e., buy one get one free or buy a bag of chips and get a Gatorade free)?

Buy one get one free or a free item with the purchase of another item would be considered an accompaniment.
The example described is considered selling the chips and drink or 2 of the same item (as a combined unit of sale) for a discounted price and would need to meet all Smart Snacks standards.

## Can a principal of an elementary school serve regular drinks (cokes, Pepsi, mountain dew) and pizza to honor roll students as a reward during regular lunchtime?

Smart Snacks do not apply to foods or beverages served to students free of charge/contribution.

## If Smart Snacks does not cover foods “served or given” to students, can we give free foods away (ex. Condiments) as long as we do not charge?

If the condiment is given with a competitive food sold, then it would be considered an accompaniment,
and must be included in the nutrient profile as part of the food item.

## Is the afterschool snack program exempt from the Smart Snacks nutrition standards?

If a school operates an approved, federally assisted afterschool snack program, the snacks should follow the meal pattern for the afterschool snack program; the Smart Snacks standards would not apply to this program. However,
 if other foods are sold to students during the school day as defined in the regulation, the Smart Snacks standards would be applicable.

## Can School Nutrition Programs (SNP) charge the general fund for costs related to maintaining Smart Snacks records for other entities within the district?

No, SNP cannot charge the general fund. However, SNP could form partnerships with other organizations as long as SNP recovers the full cost (food, labor, etc.) of the item or the products that are not purchased from the non-profit school food service account. Profits received from items purchased through the non-profit school food service account must accrue in the non-profit school food service account. See USDA policy memo [SP13-2014 School Food Service Account Revenue from the Sale of Non-Program Foods](https://fns-prod.azureedge.us/sites/default/files/cn/SP13-2014os.pdf) for more information.

## If an item meets the Smart Snacks standards, can it be sold at any time during the school day even in the cafeteria?

Yes, any food or beverage that meets the criteria can be sold anywhere on the school campus during the school day.

## Can “tickets” given to students for positive behavior be used as admission to breaks where snacks are given? Can students use tickets earned to get a free snack that is exempt?

If a ticket or a token is given to a student for good behavior or good grades – a behavioral or performance award – and no money is exchanged in order to acquire the ticket/token, the exchange of the reward ticket or token would
not be considered a sale to the student.

## Can School Nutrition Programs share revenue with other school organizations?

* 1. No, per [SP13-2014](https://fns-prod.azureedge.us/sites/default/files/cn/SP13-2014os.pdf), revenue sharing is no longer allowed, however, there are ways that School Nutrition
	can partner with school programs and student organizations.
		1. School Nutrition can have a contract or agreement with an outside entity and allow other school organizations to partner with school nutrition as long as school nutrition recovers the full cost
		(food, labor, etc.) of the items.
		2. School Nutrition can partner with other school organizations that have contracts with outside entities. The other school organization could purchase the items and pay school nutrition for the service they provide (a portion of the cafeteria or labor hours provided (full cost of labor hours would need to be recouped).
	2. In addition, if School Nutrition chooses to enter into these partnerships, they should keep in mind additional administrative and labor costs associated and maintain careful records to illustrate compliance.

# Foods

## Can an entrée at breakfast be sold a la carte at lunch the same day?

Yes, an entrée that is served as part of a reimbursable meal at breakfast or lunch may be sold a la carte on the day
of service or the day after service in either meal program and is exempt from the nutrition standards.

## How do you determine if school-made popcorn meets the requirements?

You would need a recipe that specifies the portion size that will be sold. The recipe could then be analyzed,
and the nutrition facts information plugged into the Smart Snacks product calculator to determine if the portion size meets the standards.

## Can an entrée be sold a la carte in a vending machine at the same time it is being served as part of a reimbursable meal in the cafeteria?

Yes, if it is an entrée item as part of the reimbursable meal, it is exempt from the standards, and may be sold a la carte on the day of or the day after service.

## How would second meals that are sold to students be evaluated with regard to Smart Snacks? If sold as a "whole meal".

Each item that is part of the second meal would need to meet the Smart Snacks in Schools standards. The entrée would be considered exempt and the sides that go with the meal would need to meet the snack standards.

## Some vendors are advertising that products meet the Smart Snacks Requirements; can we accept that at face value?

No, all products should be checked for compliance before selling them as a Smart Snack. The responsibility is
on the entity selling the item to ensure the products selected meet the requirements.

## Do the nutrition standards apply to an entire meal or are they looked at per item?

The nutrition standards are “per item as served”. This means that if an item is sold with an accompaniment
 (ex. Bagel and cream cheese) that is considered one item.

## How are leftovers handled under Smart Snacks?

Entrees served as part of the NSLP or SBP are exempt when sold a la carte on the day of or the day after meal service. Side dishes are not exempt so if they are sold a la carte, they must meet all the standards.

# Beverages

## Which beverage standards would apply to a middle/high school combination?

If middle and high school are in the same building, and all students have access to all venues in the school, the items available for sale to the students (beverages) must meet the middle school standards. If, in the above situation, the middle school students do not have access to the high school area, separate middle school and high school beverage standards may be implemented by the school.

## Can we sell sugar-free/low-calorie tea?

Yes, sugar-free or low-calorie tea that meets the requirements for a low or no-calorie beverage may be sold at the high school level. See page 12 of [A Guide to Smart Snacks in Schools](https://fns-prod.azureedge.us/sites/default/files/resource-files/smartsnacks.pdf) for specific criteria.

## Middle school gives tea as a reward, is this allowable?

The Smart Snacks rule does not apply to foods and beverages that are given to students without the exchange of currency/tokens/tickets. However, giving food (or beverages) as a reward is not encouraged and should be addressed in your local school wellness policy

## Can flavored water be sold to elementary and middle school students?

It depends on the product, 100% juice with no added sweeteners that is diluted with carbonated or uncarbonated water may be sold. Other water drinks must be plain carbonated or un-carbonated to be sold. Note: minerals added
to bottled water, like fluoride, are acceptable.

1. **Can flavored coffee drinks be sold to high school students?**

Yes, the other beverage standard for high school allows ≤60 calories per 12 fl oz; this is the same as ≤5 calories per 1 fl oz. When you are determining if your coffee recipe meets the standards, you do not include the calories from any smart snacks in schools’ allowable beverages such as milk, 100% juice, 100% juice diluted with water, water, and coffee/espresso). This means if you have a caramel latte, you will not need to count the milk or coffee toward the calorie limit, you will just need to count the syrups, caramel sauce, etc. that is part of the recipe.

# Exemptions

## Do the exemptions for snacks apply to School Nutrition Programs as well as other entities?

Yes, any product that meets the standards or is exempted from specific standards and meets the other requirements could be sold a la carte in school nutrition.

## What fruits and vegetables are exempt from the standard?

Fresh fruits and vegetables with no added ingredients except water, canned and frozen fruits with no added ingredients except water, or are packed in 100% juice, extra light syrup, or light syrup, canned vegetables with no added ingredients except water or that contain a small amount of sugar for processing purposes to maintain the quality and structure of the vegetable are exempt from all standards. For more information on exemptions,
see page 10 of [A Guide to Smart Snacks in Schools](https://fns-prod.azureedge.us/sites/default/files/resource-files/smartsnacks.pdf).

## Are all gums exempt or does it have to be sugar-free?

No, only sugar-free gum is exempt from the nutrition standards. Sugar-free chewing gum is exempt from all of the competitive food standards and may be sold to students at the discretion of the local educational agency.

## Can we sell sugar-free mints?

No, only items that meet the standards may be sold. However, there is a special exemption for sugar-free chewing gum.

# Fundraisers

## What is the State law regarding exempted fundraisers?

The Guidelines allow 30 fundraisers per school year to occur. Each fundraiser is allowed to operate no more than
3 school days in length and includes the sale of and delivery of the food. The school days do not need to be consecutive. In addition, exempted fundraisers cannot be sold 30 minutes prior until 30 minutes after the end of
meal service (breakfast or lunch) anywhere on the school campus. This means food could be sold between breakfast and lunch or 30 minutes after lunch.

## Are the State fundraiser exemptions per school, per organization or per district?

The State allowance for exempted fundraisers is per school, per school year. Programs and entities within schools could work together and profit share if they would like to host an exempted fundraiser.

## If one club is selling food once a week for the entire school year is that considered one fundraiser because it is one club?

No, each fundraiser is allowed to operate no more than 3 school days in length and includes the sale of and delivery of food. The club could operate its fundraiser for 3 days (i.e. once a week for 3 weeks) and that would count as one event. If they operated more than 3 days it would be counted as two or more events depending on the total length of the fundraiser, not to exceed 30 events.

## Are fundraisers that occur in vending machines, school stores, snack bars or a la carte sales be part of an exempted fundraiser?

No, unless the profits are used to support a school-sponsored club or activity. Exempted fundraisers must meet
the state-defined limits as described in question 1 under Fundraisers.

## Can the SFA host an exempted fundraiser during meal service or directly after meal service?

No, per the State guidelines exempted fundraisers cannot be sold 30 minutes prior until 30 minutes after the end of meal service (breakfast or lunch) anywhere on the school campus. This means that exempted fundraisers could sell food or beverages between breakfast and lunch or 30 minutes after lunch.

## Can school nutrition participate in the exempted fundraisers?

Yes, school nutrition can host exempted fundraisers within the guidelines set by the State if approved in their school. Also, if school nutrition purchases fundraising items through its account for other entities, they must receive full reimbursement for the items purchased including the cost of labor, contracting, handling, up-charge (if desired), etc. The SFA cannot simply buy the items and sell them to the fundraising organization for the cost of the items purchased. Also, all procurement requirements must be complied with to purchase any items with the non-profit school food service account.

## What fundraisers meet the Smart Snacks standards and do not require an exemption?

There are a variety of healthy fundraising alternatives to help schools raise money. Foods and beverages that meet the Smart Snacks standards can be sold for fundraising anytime and anywhere on the school campus. In addition, there are healthy fundraising options, such as selling non-food items (books, gift wrap, candles, plants/flowers/seeds); and activities/events such as a talent show, car wash, fun run, auction, etc.

## If cookie dough is sold during an off-campus fundraiser, is it ok to deliver on campus?

Yes, because the food will not be consumed on campus, however, delivery should occur near or at the end of the day.

## Can a student buy an item that does not meet the standards online at 8 pm and then pick up the item at 10 am the next day on the school campus?

No, the intent of the rule is that foods and beverages that do not meet the standards may not be sold and/or delivered on the school campus during the school day unless part of an exempted fundraiser.

## How does an organization get approval to host an exempted fundraiser?

Superintendents and Principals will spearhead or designate a person to spearhead approving exempted fundraisers in their schools. Clubs and other organizations wishing to host an exempted fundraiser will apply within their school. GaDOE has created an optional application form that may be used in schools and is located under the resources section on our Smart Snacks webpage.

## What does the time restriction on an exempted fundraiser actually mean?

Foods or beverages sold as part of an exempted fundraiser cannot be sold anywhere on the school campus 30 minutes prior to meal service until 30 minutes after the end of each meal service. For example, if a school serves breakfast from 7:00 am – 8:00 am and lunch is served from 11:00 am- 1:00 pm. Then an exempted fundraiser could operate prior to 6:30 am, from 8:30 am – 10:30 am, and after 1:30 pm. Fundraisers operated outside of those times must meet smart snack requirements.

# Culinary Programs

## Our high school culinary team follows a curriculum to create different foods throughout the year which are then sold to students. Can students sell these foods even if they don’t meet Smart Snacks criteria?

It depends on whom the food is sold to and when/where it is sold. All foods sold to students during the school day outside of the National School Lunch and School Breakfast Program must comply with the Smart Snacks criteria.
If the food is sold to adults only (i.e., parents, teachers, or other staff) or to students outside the school day the food does not need to meet Smart Snacks criteria. Also, culinary programs could participate in exempted fundraisers, if allowed; sell items during the school day that do not meet the standards. Refer to USDA Memo [SP40-2014: Smart Snacks Nutrition](https://www.fns.usda.gov/cn/smart-snacks-nutrition-standards-and-culinary-education-programs) [Standards and Culinary Education Programs.](http://www.fns.usda.gov/sites/default/files/SP40-2014os.pdf)

# Monitoring/Compliance

1. **How will the State monitor compliance with the Smart Snacks regulations?**

Monitoring will occur during the School Nutrition Administrative Review (AR) which occurs at a minimum of once every 3 years. All foods sold to students on the school campus during the school day for the sites selected will be reviewed. If non-compliance is found technical assistance will be provided and corrective action will be required.

## Who will be penalized during an Administrative Review for school-level non-compliance?

The entity that is selling the non-compliant foods/beverages will be required to provide corrective action.

## Is School Nutrition responsible for products sold by other entities?

No, the entity that is selling the snack is responsible for ensuring that the products sold meet the Smart Snacks standards. The district or school may also designate someone to ensure organizations selling foods meet the requirements.

## What if a school does not comply with Smart Snack requirements, do we call the food police?

We are not expecting the SNP to be the food police. USDA is working on guidance that should address this email.
If you have concerns, you can contact your Area Consultant and let them know.

# Recordkeeping

## What records are necessary to be retained in order to ensure compliance?

Nutrition fact labels and/or product specifications need to be maintained as well as smart snacks calculator pages showing the product is compliant. The smart snacks calculator can be accessed at [Smart Snacks Product Calculator (healthiergeneration.org)](https://foodplanner.healthiergeneration.org/calculator/)

## Is record keeping only required for the exempt fundraisers?

No, records must be kept for all foods or beverages sold throughout the day at all venues. All parts of the school that are involved with selling food/beverages to students will have a role and responsibility to meet these requirements. Records to be kept include smart snack product calculator pages, nutrition labels, and/or product specifications.

## Is School Nutrition responsible for making sure the records are maintained by the school?

No, the SNP is responsible for maintaining records for the competitive foods and beverages sold by the program only (items purchased with nonprofit school food service funds). Districts are responsible for ensuring that all entities involved in food sales within a school comply with the requirements. Each entity is responsible for maintaining records, smart snacks calculator pages, receipts, nutrition labels, etc. for the foods and beverages they are selling.

## How long do records need to be maintained?

Records must be maintained to show that the snacks sold, meet the requirements. As with any federal requirement, records must be maintained for 5 years plus the current year.