

## **Questions and Answers about Smart Snacks in School**

### **Applicability**

**Q1: Do Smart Snacks nutrition standards apply to events on the weekend, for example food sales during a sporting event?**

A: No. The Smart Snacks nutrition standards apply only to foods and beverages sold to students during the school day on the school campus. The Smart Snacks standards do not apply to food sold during non-school hours, weekends, and off-campus events such as concessions during after-school sporting events, school plays or concerts.

**Q2: May orange drinks be sold to students while on an off-campus field trip?**

A: Yes. Smart Snacks applies to all areas of the school campus under the jurisdiction of the school or district; it does not apply at an off-campus venue. However, PDE would encourage schools to offer beverages for sale that are compliant with the Smart Snacks standards consistently, although it is not a requirement in this circumstance.

**Q3: Our baking class sells baked goods to faculty and staff at the end of the day. Is this permitted?**

A: Yes. These guidelines apply only to foods sold to students and do not pertain to foods sold to adults. Only baked goods that meet the Smart Snacks standards are permitted to be sold to students during the school day. Remember that “school day” means the period from the midnight before until 30 minutes after the end of the official school day.

**Q4: May sports drinks be sold to athletes after school for practice?**

A: Foods and beverages meeting the Smart Snacks standards are not restricted by federal regulations from being sold anywhere on campus at any time. If the specific item does not meet Smart Snacks standards, then it can be sold at practice to athletes starting 30 minutes after the end of the official school day.

**Q5: May we give students a cookie or treat for holidays or special events with their reimbursable lunch?**

A: Yes. In this case, you are offering the treat as part of the reimbursable meal so all nutrients and any meal pattern contributions from the treat would be included in the weekly menu calculations. You are permitted to sell these cookies or treats as a separate a la carte item only if they meet the Smart Snacks standards.

**Q6: One day each month our school treats students born during that month to doughnuts. Is this permitted?**

A: Yes. Because the doughnuts are given for free to the students and not offered for sale, they would not fall under Smart Snacks guidelines. However, nutrition guidelines for non-sold foods available to students at school must be included in your local wellness policy.

**Q7: May we offer a food item “for free” with the purchase of another item? For example, could we give a cookie for free with the purchase of a pencil from the school store, or offer French fries free with the purchase of an a la carte entrée?**

A: USDA considers foods exempt from Smart Snacks standards only if they are provided to the student free of any charge or contribution of any kind, including tokens or tickets. In the case of “buy one and get something free,” there is a cost involved in purchasing an item to receive the additional item, so therefore the additional item is not truly offered without cost or obligation. Therefore, in this scenario, the cookie and the fries would have to meet all Smart Snacks standards to be allowable.

**Q8: Do we need to worry about what kids bring from home in packed lunches? If an elementary student packs a soda for lunch is this okay?**

A: Smart Snacks does not apply to foods brought from home for personal consumption. At a local level your school or district may set policies or nutrition guidelines for packed lunches, if desired. These guidelines could be included in the local wellness policy.

**Q9: May we set a limit on how many snacks can be sold to a student? For example, what if a high school student wants to purchase three diet sodas or three diet iced teas?**

A: There are no limits on the number of items permitted to be purchased in the federal regulations. However, the local district or school may set their own guidelines regarding limiting an allowable number of a la carte purchases. These guidelines could be included in the local wellness policy.

### **Nutrition Standards**

**Q10: How can you tell if an item has ¼ cup of fruit or vegetable by looking at the label?**

A: You would need information from the manufacturer that documents the amount of fruit or vegetable in the item to know whether the item as packaged contains ¼ cup of fruit or vegetable. If you are serving an item prepared by an in-house recipe, you can determine the amount of fruit or vegetable per serving by dividing the total volume of fruit/vegetable in the recipe by the number of servings the recipe yields. You should keep the calculation sheet along with any other competitive food documentation.

**Q11: Is popcorn a whole grain? Can it be served as a Smart Snack?**

A: Popcorn is a whole grain. As long as the first ingredient on the label is popcorn, the item meets the general standard. Because there are many different popcorn products on the market, including some with added fats and/or sugars, the nutrition facts panel or product specifications must be checked to determine if the product meets all six of the required nutrient standards to qualify as a Smart Snack.

**Q12: May a single chicken patty be sold a la carte without the bun and then the bun sold separately?**

A: USDA has specified that determining compliance of competitive foods means that the standards apply to the item as packaged or served to the student including all accompaniments, condiments, etc. Meat items like cheeseburgers and chicken patty sandwiches should not be disassembled and sold without the bun as they are not normally served to students in that manner.

**Q13: May a student purchase a full second lunch?**

A: Possibly. Because an entrée served as part of the reimbursable meal is exempt from all Smart Snacks standards on the day of service and the following school day, the school food authority always has the option to sell an additional entrée that was part of that meal. Side dishes, however, must meet all Smart Snack standards to be sold to students a la carte. So while it is possible that all the components of a second lunch may be sold, it would be the responsibility of food service to determine which side dishes meet the Smart Snacks standards before offering them for sale a la carte.

**Q14: May we sell a 16-ounce coffee to high school students?**

A: No. When selling coffee to high school students, available accompaniments such as cream, milk, and sugar must be included in the total calories per serving (see Q15 for explanation on accompaniments). Because the calories of accompaniments will put coffee in the “lower-calorie” category (and not “calorie-free”), coffee cannot be sold in an amount greater than 12 ounces and must be less than or equal to 60 calories per serving including accompaniments.

**Q15: How would we account for the accompaniments that go with coffee on a coffee bar, as each individual makes coffee differently?**

A: USDA is not requiring pre-portioning of accompaniments in competitive foods and beverages. School food authorities have the option of determining average portions of accompaniments as an alternative. This is consistent with what menu planners already do with condiment bars in determining average portions for the purposes of meal pattern standards.

**Q16: Is a 12- or 16-ounce diet soda now permissible in a la carte lines during lunch?**

A: Diet soda is allowable as a competitive beverage for high school students only, as long as it complies with the calorie and container size limits. For example, a diet soda with zero calories is permissible in bottles up to 20 fluid ounces at the high school level.

**Q17: Would diet soda sold in high school have to be caffeine-free?**

A: No. Diet soda sold in high school can be caffeinated or decaffeinated. PDE recommends that schools carefully consider the caffeine content when selecting beverages to sell to students.

**Q18: Where can I find the online Smart Snacks calculator? Are we required to use the calculator to determine if individual products meet the standards?**

A: The link to the online calculator is: <http://rdp.healthiergeneration.org/calc/calculator/>. The online calculator is an excellent tool for determining whether your food or drink item is compliant with the new guidelines, but you are not required to use it. You will have to calculate percentages for total fat, saturated fat, and total sugar and maintain some type of record of your calculations showing that the item is compliant, whether you use the online calculator or complete the calculations by hand. If you use the online calculator, you have the option of printing out your results which can serve as this documentation.

**Fundraisers**

**Q19: Do the Smart Snacks standards apply to items that are sold by student clubs as fundraisers? Lollipops, candy bars, and baked goods fundraisers are some examples of food fundraisers that take place at our school by different school groups.**

A: Yes, the standards do apply to fundraisers available to students during the school day on the school campus (see Q23 for explanation of exempt fundraisers where standards do not apply). This includes fundraisers in which a donation is only “suggested” as this is still a method to raise funds. Lollipops, candy bars, and most baked goods are unlikely to meet the nutrition standards. The Smart Snacks standards will need to be communicated to students, parents, administration, faculty, and staff because the nutrition guidelines apply to the entire school campus and not just food service.

**Q20: If a food fundraiser meets the Smart Snacks standards, can the items be sold in the cafeteria during meal service? Isn't this competing with the reimbursable meal?**

A: There are no “time and place” restrictions on the sale of any foods or beverages that comply with Smart Snacks standards. However, your local school or district could decide to limit all food fundraisers to areas outside of the cafeteria, if desired. This could be included in the local wellness policy.

**Q21: If doughnuts/soft pretzels/hoagies are sold as a fundraiser that are delivered to the school and distributed during school time, must they meet Smart Snacks nutrition standards?**

A: Yes. Only food fundraisers that comply with Smart Snacks nutrition standards are permitted to be sold or distributed for consumption to students during the school day on school property. Options for items that do not meet the standards include distributing the items during non-school hours, or having the items available at school for pick up by parents/adults only. Additionally, the school would have the option of electing to use an allowed exempt fundraiser (see Q23).

**Q22: Do food fundraisers that are meant for home consumption, such as preordered cookie dough, frozen pizzas, or bulk quantities of items with multiple servings per package (for example, Girl Scout Cookies) required to meet the standards?**

A: Items preordered and distributed in a precooked state or in bulk quantities (multiple servings in a package) for consumption at home are not subject to the standards. Students could take orders and deliver these items during the school day for consumption outside of school as long as students receive permission from the school. We encourage organizations to deliver these foods at a time when parents and caregivers are more likely to be present to collect the items, such as drop off and pickup times. Please refer to [PDE-SNP-408](#) for further information.

**Q23: I understand that PDE is permitting a limited number of exempt fundraisers in each school building for the 2015-16 school year. Can you explain what an “exempt fundraiser” is and whether there is any specific procedure to follow for schools holding exempt fundraisers?**

A: State agencies that oversee the School Nutrition Programs have the option of permitting a limited number of food fundraisers that do not meet the Smart Snacks standards to take place on the school campus during the school day. These food fundraisers are referred to as “exempt fundraisers” because they include the sale of foods/beverages that do not comply with Smart Snacks standards.

PDE has established that a maximum of five exempt fundraisers will be permitted in each elementary and middle school building, and a maximum of ten exempt fundraisers will be permitted in each high school building for the 2015-16 school year. Each exempt fundraiser may not exceed one school week in length. Schools may choose to establish fewer or no exemptions. This could be included in the local wellness policy.

Each LEA will need to establish a process for ensuring the number of exempt fundraisers does not exceed the maximum allowed for the school year. Decisions will need to be made at the local level regarding which school organizations will be permitted to hold these exempt fundraisers. PDE will not approve these processes or policies; however, PDE will ensure that schools are compliant with fundraiser exemptions during an Administrative Review.

**Q24: If my school decides to allow an exempt fundraiser, can those foods be sold anywhere on the school campus? For example, could students sell candy bars from an exempt fundraiser in the cafeteria?**

A: No. Food or beverage items that are being sold as part of an exempt fundraiser may not be sold in the food service area during meal service times. Any further restrictions on when and where exempt fundraising can take place may be made at the local level and could be included in the local wellness policy.

**Q25: The [August 10, 2015 and June 30, 2014 memos on fundraiser exemptions from PDE](#) state that each exempt fundraiser may not exceed one school week. If a school chooses as one of their exempt fundraisers an event that does not take up an entire school week, does that still count as one of their "exempt" fundraisers regardless of the length of duration?**

A: Yes. A single exempt fundraiser may not exceed one school week, but it may be shorter in length.

**Q26: Please define what counts as one school week in terms of an exempt fundraiser.**

A: One school week means five consecutive school days, not including weekends or scheduled days off. Remember that fundraising on the weekends is not subject to Smart Snacks standards, so fundraising that takes place over the weekend is not limited by federal regulations. Individual LEAs may set their own standards for foods sold outside of school hours, if desired. These could be included in the local wellness policy.

**Q27: Does the school week have to be Monday through Friday? Could the week be Tuesday through the following Monday, for example?**

A: Yes. The school week may begin on any school day of the week and is limited to five consecutive school days, not including weekends and scheduled days off. Exempt fundraisers are not required to begin on a Monday.

**Q28: We have a school store in our middle school that operates 2-3 days per week that has sold candy in the past. If the school chooses to do so, may they select as their five exempt fundraisers that the store will operate during five different weeks of the school year?**

A: Yes, that would be permissible.

**Q29: We are a K-12 charter school and all of our students are in the same building. Do we use the allotment of ten exempt fundraisers for high school or a lesser amount?**

A: Because your students are all in the same building, the maximum number of exempt fundraisers would default to the high school level of ten maximum per school year.

**Q30: Could one group, such as the student council, do a fundraiser that would benefit several school groups (e.g., band, chorus, and soccer team) during one of the exempt weeks? In other words, could several school groups benefit from student council's one fundraiser?**

A: The intent of the federal law and PDE's allowance of exempt fundraisers is to reduce the amount of non-compliant competitive foods available to students, while permitting limited exempt fundraising activities as schools adapt to the new nutrition standards. In the case of one discrete fundraiser, it would be permissible for an umbrella organization, such as the student

council or a sports booster club, to operate the fundraiser and then divide the raised funds among different school groups. This is different from an umbrella organization operating *concurrent* fundraising activities (e.g., selling candy bars and having a bake sale at the same time), which counts as two separate exempt fundraisers even if the funds benefit the same organization.

### **Culinary Programs**

**Q31: We are a vocational technical school where we have a culinary department. Will this class be exempt from this rule? How does this impact food that our culinary students prepare and want to sell to the community in the café they operate?**

A: Smart Snacks requirements have no impact on the culinary education program's curriculum in school, nor do they have any impact on foods sold to adults at any time or to students outside of the school day. However, USDA has verified that Smart Snacks standards apply to all foods sold to students on the school campus during the school day, including food prepared and/or sold by culinary education programs. Therefore, any foods sold by the culinary program to students during the school day must comply with Smart Snacks nutrition guidelines. Please refer to USDA memo SP 40-2014 "Smart Snacks Nutrition Standards and Culinary Education Programs" for more information. This memo can be accessed online at <http://www.fns.usda.gov/sites/default/files/SP40-2014os.pdf>.

### **Record-keeping and Administrative Reviews**

**Q32: Who is responsible for keeping the records of products sold in a school store – food service directors or the school district?**

A: All parts of the school involved with selling food to students during the school day will have a role in meeting these requirements, not just the school food authority and cafeteria staff. School food authorities are responsible for maintaining records for competitive foods sold under the auspices of the nonprofit school food service account. Local educational agencies will maintain records for all other competitive food sales on campus during the school day. How this actually happens will vary from one district to another. USDA suggests that local wellness policy designees could prove very useful in assisting in the development of a simple and reasonable recordkeeping system for competitive foods sales in schools.

**Q33: Must every item in a vending machine be checked for compliance with the Smart Snacks standards? What records must be maintained?**

A: Yes, each item in a vending machine available to students during the school day must be checked for compliance with the new standards. Because vending machines are often operated by school groups and not the school food authority, communication with the entire school community about the new standards and recordkeeping requirements is especially important. Receipts, nutrition labels, or product specifications should be maintained for all venues selling

competitive foods at school. Printouts from the online calculator can also be included with the records.

**Q34: What are the consequences for non-compliance upon administrative review? Will there be fiscal action?**

A: As with the implementation of the meal patterns, PDE expects that a “good faith” effort is made for implementation of the Smart Snacks requirements. PDE will provide technical assistance and training as the first approach to non-compliance with the Smart Snacks standards upon review. However, total disregard for implementation may result in a finding. At this time, fiscal action is not tied to non-compliance with competitive food standards.

**Q35: If a manufacturer or organization provides a chart or listing of foods and beverages that are compliant with Smart Snacks, do the items still have to be entered into the online calculator?**

A: Yes. Schools are ultimately responsible for verifying that all competitive foods meet Smart Snacks standards. Product formulations change frequently, so schools should always verify compliance using the ingredients and Nutrition Facts label on the package.