

Federal and State Laws Impacting Food and Beverages in Connecticut Schools

Many Connecticut school districts have recently implemented nutrition standards regarding food and beverages allowed for sale and/or free distribution (e.g., parties, celebrations and food as reward) to students at school. These changes are in response to federal and/or state laws including:

1. **Federal school wellness policy legislation** (Public Law 108-265) which impacts all public, private and residential child care institutions participating in the U.S. Department of Agriculture's (USDA) child nutrition programs (http://www.fns.usda.gov/cnd/Governance/Legislation/Historical/PL_108-265.pdf); and
2. **State legislation (Connecticut General Statutes)**, which impacts all public school districts in Connecticut including regional educational service centers, the Connecticut Technical High School System, charter schools, interdistrict magnet schools and endowed academies (see *State Statutes on School Food and Beverages* at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320754>).

Federal School Wellness Policy (Public Law 108-265)

The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) requires that public school districts participating in USDA's child nutrition programs (e.g., National School Lunch Program, School Breakfast Program, After-School Snack Program and Special Milk Program) establish a local wellness policy by the first day of the 2006-2007 school year. The majority of Connecticut's public schools are affected by this legislation, because 88 percent participate in USDA child nutrition programs. The federal law also applies to private schools and residential child care institutions that participate in USDA child nutrition programs. At a minimum, the local wellness policy must:

1. Include goals for nutrition education, physical activity, and other school-based activities designed to promote student wellness in a manner that the local educational agency determines appropriate;
2. Include **nutrition guidelines for all foods available on the school campus during the school day**, with the objectives of promoting student health and reducing childhood obesity;
3. Provide an assurance that guidelines for school meals are not less restrictive than those set by the Secretary of Agriculture;
4. Establish a plan for measuring implementation of the local wellness policy, including the designation of one or more persons within the local education agency or at each school, as appropriate, charged with ensuring that the school meets the local wellness policy; and
5. Involve parents, students, representatives of the school food authority, the school board, school administrators, and the public in development of the local wellness policy.

These are the minimum requirements established by the federal legislation. School districts may choose to include additional features or integrate student wellness with other ongoing programs, such as coordinated school health initiatives and community-based programs. While each district's school wellness policy must address the five areas above as specified by the federal law, the **actual content of each area is determined by the local school district**.

The federal requirement for "*nutrition guidelines for all foods available on the school campus during the school day*" addresses both food that is sold and food that is given to students at no cost. In addition to addressing standards for the sale of food to students (e.g., vending machines and healthy fundraising alternatives), many districts have therefore chosen to also address when food is given to students, such as foods allowed at classroom celebrations and food as reward. Each district's local school wellness policy will have its own specific requirements regarding what can be sold and/or given to students at school. Check with the school district's administration regarding any local requirements for school food and beverages. For additional information, see *School Wellness Policy Requirements* at http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Nutrition/NSLP/School_Wellness.pdf and the Connecticut State Department of Education's *Action Guide for School Nutrition and Physical Activity Policies* at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320754#Action>.

State Laws Regarding Food and Beverages in Schools (Connecticut General Statutes)

Effective July 1, 2006, the Connecticut General Statutes (C.G.S.) impact the types of food and beverages allowed for **sale** to students but they do **not** impact food and beverages that are **distributed to students at no cost** (e.g., classroom parties, school meetings). State statutes address three areas regarding food and beverages sold to students in public schools: 1) requirements for allowable beverages (C.G.S. Section 10-221q); 2) optional healthy food certification (C.G.S. Section 10-215f); and 3) requirement to sell healthy food choices when any food is sold (C.G.S. Section 10-221p). These three areas are summarized on the next page.

Federal and State Laws Impacting Food and Beverages in Connecticut Schools

1) Requirements for Beverages (Compliance is required for all public schools): All public school districts in Connecticut (including the Connecticut Technical High School System, charter schools, interdistrict magnet schools and endowed academies) must comply with state statute regarding the beverages that are allowed for sale to students on school premises. C.G.S. Section 10-221q specifies only five categories of beverages can be sold to students in public schools *at all times and from all sources*. These categories are:

1. **Milk (flavored or plain)** with no more than 4 grams of sugar per ounce and no artificial sweeteners
2. **Nondairy milks such as soy or rice milk**, which may be flavored but contain no artificial sweeteners, no more than 4 grams of sugar per ounce, no more than 35 percent of calories from fat per portion and no more than 10 percent of calories from saturated fat per portion
3. **100 percent fruit juice, vegetable juice or combination of such juices**, containing no added sugars, sweeteners or artificial sweeteners
4. **Beverages that contain only water and fruit or vegetable juice** and have no added sugars, sweeteners or artificial sweeteners
5. **Water**, which may be flavored but contains no added sugars, sweeteners, artificial sweeteners or caffeine

Portion sizes of allowable beverages are limited to no more than 12 ounces, with the exception of water.

Additional information regarding state beverage requirements can be found in *Allowable Beverages in Connecticut Schools* (http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Allowable_Beverages.pdf) and *Questions and Answers on Connecticut Statutes for School Food and Beverages* (http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/HF_Q&A.pdf).

2) Optional Healthy Food Certification (Participation is optional for all eligible public school districts): 10-215f of the Connecticut General Statutes requires that that all Connecticut public school districts that participate in the National School Lunch Program must certify whether all food items sold to students separately from reimbursable meals will or will not meet the Connecticut Nutrition Standards. Eligible districts that opt for the healthy food certification will receive 10 cents per lunch, based on the total number of reimbursable lunches (paid, free and reduced) served in the district in the prior school year. If a district chooses to receive this additional funding, all food items sold to students separately from a reimbursable school breakfast or lunch must comply with the Connecticut Nutrition Standards. This includes all food offered for sale to students *at all times, in all schools and from all sources* including, but not limited to school stores, vending machines, school cafeterias and any fundraising activities on school premises. Additional information regarding healthy food certification can be found in the following documents:

- *Overview of Connecticut Statutes for School Food and Beverages* (http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Overview_PA06-63.pdf)
- *Summary of Requirements for School Food and Beverages* (http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/SummaryChart_NS.pdf)
- *Questions and Answers on Connecticut Statutes for School Food and Beverages* (http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/HF_Q&A.pdf)

3) Requirement to Sell Healthy Food Choices When Any Food is Sold (Compliance is required for all public schools): Section 10-221p of the Connecticut General Statutes specifies that at all times when food is available for purchase by students during the regular school day, nutritious and low-fat foods must also be available for sale. Such foods include, but are not limited to, low-fat dairy products and fresh or dried fruit. For additional information, see *Questions and Answers on Connecticut Statutes for School Food and Beverages* (http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/HF_Q&A.pdf).

Additional guidance regarding school wellness policy and state statutes for school food and beverages can be found on the Connecticut State Department of Education's website at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320754>. For additional information contact Susan S. Fiore, M.S., R.D., Nutrition Education Coordinator, Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 25 Industrial Park Road, Middletown, CT 06457 • Phone: (860) 807-2075 • E-mail: susan.fiore@ct.gov

The State of Connecticut Department of Education is an equal opportunity/affirmative action entity. For more information, please call the Affirmative Action Administrator, State of Connecticut Department of Education, 165 Capitol Avenue, Hartford, Connecticut 06106, (860) 713-6530.

Connecticut Nutrition Standards

The Connecticut Nutrition Standards address all food items sold separately from a reimbursable school breakfast or lunch in the USDA School Breakfast Program and National School Lunch Program. They focus on limiting fat, saturated fat, trans fat, sugars and sodium, moderating portion sizes, and promoting increased intake of fruits, vegetables and whole grains. (See <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320754#Standards>.)