



Smart Snacks in Schools Fundraiser Exemptions

- Purpose:** To establish a state policy that sets an allowed number of exempt school-sponsored fundraisers.
- Scope:** School Food Authorities (SFAs), sponsors, facilities, and institutions participating in the National School Lunch Program (NSLP) and the School Breakfast Program (SBP).
- Description:** The Healthy, Hunger-Free Kids Act (HHFKA) of 2010 directed the USDA to establish nutrition standards for all foods and beverages sold to students for consumption during the school day, including foods sold through school fundraisers. A special exemption is allowed for the sale of food and/or beverages that do not meet the Smart Snack food standards as required in 7 CFR 210.11 for the purpose of conducting an infrequent school-sponsored fundraiser.

USDA regulations require state agencies to establish a maximum number of exemptions allowed for food and beverage fundraisers that do not meet the nutrition standards. The Indiana Department of Education has set **six (6)** exemptions per school building, per school year, for fundraisers involving the sale of foods and/or beverages not meeting the nutrition standards for Smart Snacks and occurring during the school day. Additional considerations for SFAs that wish to use an exemption include:

- The maximum duration of an exempted fundraiser is one day.
- Such specially exempted fundraisers must not take place more than the frequency specified by the State agency during such periods that schools are in session.
- No specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service.
- At the local level, the organization must identify a responsible party assigned to track exempted fundraising events and maintain documentation at the district or site level for purposes of State agency monitoring.
- There are no limits to fundraisers that meet the nutrition standards and any non-food/ beverage items.

The Smart Snacks standards do not apply to the following situations:

- Foods and beverages sold at events held 30 minutes after the school day ends, off campus, or on weekends, such as school plays or sporting events.
- Foods and beverages not intended for consumption at school, such as cookie dough or frozen pizza sales.
- Foods and beverages pre-sold through order forms and then distributed at the end of the day for consumption off campus, outside of the school day.

Source: The Healthy Hunger Free Kids Act of 2010, 7 CFR 210.11, 7 CFR § 210.11(b)(4)