



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents
Principals
Public Information Officers

FROM: Juanita Bowens-Seabrook, PhD, RD, SNS
Director, Office of Nutrition Programs

RE: Information Package for “Smart Snacks” Exempt Fundraisers

DATE: March 6, 2015

This information package serves as additional guidance for public schools and school-sponsored organizations in South Carolina that wish to hold “Smart Snacks” exempt fundraisers in compliance with federal law and the policy memorandum issued by the State Superintendent of Education on January 22, 2015.

Effective with the 2014–15 school year, all food and beverages sold to students on school campuses during the school day are subject to national Smart Snacks nutritional standards. Federal law allows states to authorize a limited number of exceptions to these standards for infrequent food-based fundraisers that do not meet Smart Snacks standards. These exemptions cannot apply to canteens, vending machines, or school stores that regularly sell food throughout the school year.

Smart Snacks standards do not apply to the following situations, subject to district and/or school wellness policies:

- sale of food or beverages (“foods”) that meet the Smart Snacks standards;
- sale of foods outside of school hours (e.g., after-hours concessions at athletic events, school concerts, or on weekends);
- sale of foods not intended for on-site consumption (e.g., cookie dough or frozen pizza);
- sale of foods exclusively to adults who are not students;
- foods given to students at no charge and without suggesting a donation;
- foods brought from home by students for personal consumption;
- foods donated for classroom celebrations; or

- emergency medical situations.

For the remainder of the 2014–15 school year, schools may have up to 13 exempt fundraisers, not to exceed 3 days in length. For the 2015–16 school year, schools may have up to 30 exempt fundraisers, not to exceed 3 days in length. For the 2016–17 school year, schools may have up to 30 exempt fundraisers, not to exceed 2 days in length. For the 2017–18 school year and thereafter, schools may have up to 30 exempt fundraisers, not to exceed 1 day in length.

Individual districts and/or schools reserve the right to further limit or restrict exempt fundraisers through local wellness policies.

With the recommendation of their district, a school may request a waiver from the South Carolina Department of Education (SCDE) to hold additional exempt fundraisers beyond the allowable numbers shown above.

The following resources are attached for your immediate dissemination and use:

- Smart Snacks presentation that gives basic information on the new nutrition standards and exempt-fundraiser guidelines. This presentation can be used by district and school personnel to inform and train local stakeholders.
- United States Department of Agriculture (USDA) fact sheet clarifying the exclusion of foods intended for off-site consumption from Smart Snacks standards.
- Instructions and local tracking forms for exempt fundraisers, as well as information on how to request a waiver.

Copies of the presentation, as well as the instructions and tracking forms, will also be posted to the SCDE website under the Office of Nutrition Programs information page.

Questions or concerns regarding Smart Snacks exempt fundraisers should be referred to Walter Caudle at wcaudle@ed.sc.gov, (803) 734-4586.

JBS/WFC

Attachment

Key Federal “Smart Snacks” Exempt Fundraiser Definitions

NOTE: Additional information on the entire Smart Snacks Interim Final Rule is available from the Office of Nutrition Programs at the South Carolina Department of Education, school district child nutrition program offices, and at <http://www.fns.usda.gov/healthierschoolday/tools-schools-smart-snacks> .

“**Competitive food**” means all food and beverages (other than breakfast, lunch, and afterschool snacks served by the cafeteria) available for purchase by students during the school day on a school campus.

“**Exempt fundraiser**” means infrequent, school-sponsored, food-based fundraisers that do not meet Smart Snacks standards. These exceptions cannot include canteens, vending machines, or school stores that regularly sell food throughout the school year.

“**Food**” includes food and beverages, as well as side items and condiments.

“**Food service area**” means any centralized location on a school campus where breakfast and lunch are normally prepared, served, and/or consumed by students. This definition includes a commons area if students are expected to eat meals there.

“**School day**” means the period from the midnight before to 30 minutes after the end of the official school day.

“**School campus**” means all areas of property under the jurisdiction of the school that are accessible to students during the school day.

“**Smart Snacks**” means the Nutrition Standards for All Foods Sold in School Interim Final Rule, as established by the United States Department of Agriculture (USDA) pursuant to the Healthy, Hunger-Free Kids Act of 2010.

“**Sold**” means the use of money, tokens, coupons, etc. This definition also includes situations where a donation is expected or suggested.

Key Federal Exempt Fundraiser Requirements

- Schools must document all exempt fundraisers.
- Exempt fundraisers must be consistent with district and/or school wellness policies.
- Canteens, vending machines, and school stores that regularly sell food throughout the school year cannot qualify as exempt fundraisers.
- Exempt fundraisers cannot be held in a food service area during breakfast or lunch periods.
- Food sold by culinary arts programs or other curriculum offerings is subject to Smart Snacks standards.

Cafeteria employees cannot be responsible for paperwork or recordkeeping.

“Smart Snacks” Individual Exempt Fundraiser Checklist

Important Notes

- This form should be approved by the principal or designee - - not the cafeteria.
- Post this form to the “Smart Snacks” Annual School-Based Exempt Fundraiser Summary Report.
- Retain this form at the school (not the cafeteria) for the current school year and the next three (3) school years. These forms are subject to audit.

District and school:

Requesting school organization and contact:

Name of fundraiser, date(s), time(s), and location(s):

Description of food(s) being sold:

1. Is this fundraiser consistent with the district and/or school’s **local wellness policies**?
Yes = continue
No = STOP! This cannot be an exempt fundraiser.
2. Will the food be **sold**?
Yes = continue
No = no exemption required, but check local wellness policy
3. Will the food be sold during the **school day** for **consumption** on the **school campus**?
Yes = continue
No = no exemption required, but check local wellness policy
4. Will the food be sold in a **canteen, vending machine, or school store**?
Yes = STOP! This cannot be an exempt fundraiser.
No = continue
5. Does the food meet federal Smart Snacks **nutritional requirements**?
Yes = no exemption required, but check local wellness policy
I don’t know = use the Smart Snacks calculator at
<http://rdp.healthiergeneration.org/calc/calculator/>
No = continue
6. Will the food be sold in the **food service area** during breakfast and/or lunch?
Yes = STOP! This cannot be an exempt fundraiser.
No = Sign, date, and submit this form to the principal or designee.

Printed Name and Signature of Authorized Organization Representative

Date

Printed Name and Signature of Principal or Designee

Date

“Smart Snacks” Annual School-Based Exempt Fundraiser Summary Report

Important Notes

- This form must be completed by the school principal or designee—not the cafeteria.
- Retain this form at the school (not the cafeteria) along with each “Smart Snacks” Individual Exempt Fundraiser Checklist for the current school year and the next three (3) school years.
- These forms are subject to audit.

District and school name:

School year:

<u>#</u>	<u>Organization</u>	<u>Date</u>	<u>Duration</u>
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Printed Name and Signature of Principal or Designee

Date

“Smart Snacks” Exempt Fundraiser Waiver Process

This process is to be used when asking the South Carolina Department of Education to grant a waiver authorizing more than the maximum allowable number of exempt fundraisers during the school year.

Important Notes

- A separate application must be submitted for each waiver request.
- The waiver process cannot be used to increase the duration of any exempt fundraiser beyond the maximum number of days already allowed.
- The waiver process cannot be used if the fundraiser is not allowed under district or school wellness policies.

Submit a letter of application and a copy of the completed “Smart Snacks” Individual Exempt Fundraiser Checklist (page 4 of this information package) to Ryan Brown at rybrown@ed.sc.gov at least 15 business days before the anticipated fundraiser event.

At a minimum, the letter of application should include the following information:

- Name of school district
- District superintendent’s name, telephone number, and e-mail address
- Name of school
- Principal’s name, telephone number, and e-mail address
- District board chair’s name, telephone number, and e-mail address
- Specific reason(s) for requesting a waiver
 - This section should include an explanation of the financial hardship and/or other adverse impact if the waiver is not granted. There should also be confirmation as to whether the maximum allowable number of exempt fundraisers has already been authorized. If additional exempt fundraisers are still available locally, please explain why a waiver is being requested.
- A statement certifying that “the information contained in the application is accurate and reflects all available information. Further, the fundraiser does not violate the provisions of any school board policy, local wellness policy, and/or administrative procedure issued by the school district or school in which the fundraiser will take place.”
- Signatures of the principal, district superintendent, and district board chair.

All documentation related to the waiver process must be retained at the district and school levels for the current school year and the next three (3) school years. These records are subject to audit.