



ESCALON UNIFIED SCHOOL DISTRICT COMPETITIVE FOOD SALES AND CALIFORNIA SMART SNACKS IN SCHOOL Frequently Asked Questions



Q1: What is a competitive food?

A1: Competitive food is defined as foods and beverages that are sold apart from the National School Lunch and School Breakfast Programs and therefore “compete” with school breakfast and school lunch for student spending. Competitive foods are also referred to as Smart Snacks in Schools.

Q2: What is the difference between USDA Smart Snacks in School (SSIS) and California Smart Snacks in School (CSSIS)?

A2: USDA developed the Smart Snacks in Schools legislation in 2013, which set nutritional standards for all food and beverages sold on school campuses during the school day nationwide. However, California enacted SB12 and SB965 in 2005, which are stricter than the USDA/federal law. When a conflict exists between State law and Federal law, the law that is more restrictive prevails. Therefore, we must follow the CSSIS requirements of the law which includes portions of the federal law.

Q3: What is the definition of a school day?

A3: For the purpose of competitive food standards implementation, the school day is the period from midnight to 30 minutes after the end of the official school day.

Q4: What is the definition of a school campus?

A4: For the purpose of competitive food standards implementation, the school campus is all areas of the property under the jurisdiction of the school that are accessible to students during the school day. This includes the school parking lot.

Q5: Do CSSIS nutrition standards apply to foods or beverages brought from home?

A5: The CSSIS regulation does not apply to foods brought from home by students for their own consumption.

Q6: Do competitive food regulations apply to teachers’ lounges and staff areas?

A6: The regulations apply anywhere on school campuses accessible to students. Therefore, if students are able to get into the teacher’s lounge, then the regulations apply. If students are not permitted in the teachers’ lounge, the regulations do not apply.

Q7: What does “sold” mean when referring to food and beverages?

A7: Sold refers to any food or beverages provided to students on school grounds in exchange for money, coupons, vouchers, or order forms, when **any part** of the exchange occurs on a school campus.

Q8: Do CSSIS nutrition standards apply to classroom parties?

A8: Food items typically used as part of student parties must comply with guidance contained in the District’s School Wellness Policy, which requires classroom snacks, celebrations, and food rewards to meet the District’s nutrition standards.

Q9: Do CSSIS nutrition standards apply to pizza parties that are given to students by PTA’s?

A9: Classroom parties and celebrations where PTAs or teachers supply the food or provide funds to purchase the food are not subject to the CSSIS nutrition standards but must adhere to the local wellness policy, which requires classroom celebrations to meet the District’s nutrition standards.

Q10: Do California Smart Snack nutrition standards apply to all fundraisers?

A10: **Yes.** All fundraisers held during the school day (from midnight to 30 minutes after the end of the official school day) are required to meet the CSSIS nutrition standards. The standards do not apply in the evenings, on weekends, and at off-campus fundraising events.



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Q11: Can students order pizza by phone and have it delivered to school on campus?

A11: No. Based on the definition of “sold” in Question 7 (above), pizza purchased by phone and delivered on campus during the school day would be subject to competitive food sales regulations.

Q12: How do I determine if food items comply with Smart Snack nutrition standards?

A12: The nutrition standards can be found on the Food Services District website.

Q13: Can student stores sell electrolyte replacement beverages (e.g. Gatorade) to students on campus during the school day?

A13: No. Electrolyte replacement beverages are not on the approved list of competitive food categories that can be sold on campus during the school day. However, electrolyte replacement beverages can be sold by student stores and vending machines 30 minutes after the official school day.

Q14: When must schools implement the California Smart Snack standards?

A14: Immediately. All school Districts participating in the National School Lunch and/or School Breakfast programs were required to implement the new federal and state competitive foods regulations beginning July 1, 2016.

Q15: What are the consequences for not following the California Smart Snacks rules?

A15: Section 303 of the Healthy, Hunger-Free Kids Act amended Section 22 of the National School Lunch Act (42 U.S.C. 1769c), provides USDA the authority to impose and assess fines against any school failing to comply with regulations.

Q16: Who will monitor/regulate compliance with California Smart Snacks in School’s Smart Snacks regulations?

A16: Anyone involved with selling food to students during the school day will need to play a role in monitoring compliance and meeting recordkeeping requirements. This will involve the principal, ASB personnel, faculty, teachers, Food & Nutrition (F&N) staff, and other administrative and teaching personnel depending on the school’s circumstances. The F&N Department is responsible for ongoing monitoring of all competitive food sales to ensure compliance with federal, state and local regulations.

Q17: Who is responsible for keeping records of items sold on school campuses?

A17: 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 Food and Nutrition staff. The person or group responsible for student stores, fundraisers, or other food sales must maintain proper documentation of all food items sold for three years. The F&ND must also maintain records for all approved competitive food sales on campuses during the school day.

Q18: Can a student or teacher bring food items to school for sale to other students?

A18: No. The only sales that are allowed are pre-approved fundraisers through student body organizations or pre-approved sales through parent groups. EC 51520 and 51521 prohibit teachers and others from soliciting students during the school day or one hour before and after school unless the sale is approved by the District. This includes individuals making solicitations on behalf of the school district or an ASB organization. However, the federal law that prohibits food sales from midnight through 30 minutes after the school day ends prevails because it is more restrictive.



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- Q19:** Are foods and beverages that are served or given (and not sold) to students required to follow Competitive Foods/California Smart Snack rules?
- A19:** The Escalon Unified School District's Wellness Policy restricts the type of foods and beverages that can be given to students. It encourages using non-food rewards to recognize students. All food items given away must meet the California Smart Snacks nutrition standards; Environmental Health Department's food safety requirements; and, the District's insurance, and food labeling requirements for commercial vendors. They do not require approval by Food and Nutrition; school sites are individually responsible for ensuring compliance. At middle and high schools, on 4 approved district approved days, foods given away (not sold) do not need to adhere to the specific food categories identified for competitive food sales.
- Q20:** Is there a list available of compliant California Smart Snack food/beverage items?
- A20:** The district does have a list of approved Smart Snacks on the district website.
- Q21:** Can we use the online calculator developed by the Alliance for a Healthy Generation to determine if a food or beverage item is compliant with the law?
- A21:** **No.** Currently the Alliance calculators are calibrated to make determinations based on federal law, not California law.
- Q22:** Do schools have any leeway to use up their existing non-compliant inventory?
- A22:** **No.** Schools can no longer sell non-compliant items to students on campus during the school day. However, schools may sell non-compliant items to students 30 minutes after school ends, or off and away from school campuses; or, sell items to parents, teachers, or other adults.
- Q23:** May we sell coffee to high school students?
- A23:** **No.** California law prohibits the sale of coffee and tea (including decaffeinated coffee and tea), to all students on campus during the school day. Foods and beverages available to elementary, middle, and high school-aged students must be caffeine-free, with the exception of trace amounts of naturally occurring caffeine substances.
- Q24:** Do CSSIS requirements apply if items are sold to someone other than a student?
- A24:** Food and beverage items sold to non-students, such as parents, teachers, and other adults are not subject to the CSSIS standards. Instead, food and beverage sales are subject to the local wellness policy, and should comply with the standards contained therein.
- Q25:** What if parents purchase non-compliant food off school campus and bring the non-compliant food on campus and share it with their children?
- A25:** Parents sharing non-compliant food items with their children is not subject to the CSSIS standards or competitive foods regulations. However, the District's School Wellness Policy addresses this behavior by requiring all foods and beverages sold or served to meet the District's nutrition standards and parents can only bring food on campus for their own child, unless it is for an approved classroom celebration in which Smart Snacks are approved.
- Q26:** Can non-compliant food items be sold through an order form if the product is picked up somewhere off-campus or after school?
- A26:** **Yes.** The CDE has interpreted this practice to be allowable because there is no exchange of food or beverage at the time of payment and the order was made in advance. The non-compliant food or beverage must be delivered off campus or at least 30 minutes after school ends to comply with current law.



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- Q27: What kind of snacks can be donated to the school for serving during standardized testing and for students who forget their lunch money?**
- A27:** According to the EUSD wellness policy, all foods and beverages served to students should meet the District's nutrition standards. Snacks brought from home for individual consumption are not subject to these standards.
- Q28: What kind of food can I serve at a school carnival on the weekend?**
- A28:** If the carnival is held at least 30 minutes after school hours, the event is exempt from any nutrition standards. School sponsored functions, such as carnivals, must comply with San Joaquin County Department of Environmental Health and District regulations. Alternatively, schools may contract the services of an outside vendor or a caterer who has obtained all required permits.
- Q29: Do CSSIS nutrition standards apply to events on the weekend, for example food sales during a sporting event?**
- A29: No.** The Smart Snacks nutrition standards apply only to foods and beverages sold to students during the school day on school campuses. 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.
- Q30: Do CSSIS nutrition standards apply to special education students with Individualized Education Program (IEP) goals that include food-related accommodations?**
- A30:** The intent of the CSSIS standards is to promote a healthy school environment that contributes to student wellness, in an effort to reduce the risk of preventable chronic diseases associated with overweight and obesity. Because of this, the District encourages schools to serve nutritious food items to all students. However, the CSSIS standards for foods do not apply to special needs students whose Individualized Education Program (IEP) plan indicates the use of a food or beverage as part of behavior modification or other suitable need.
- Q31: If California Smart Snacks do not cover foods "served or given" to students, can we give free foods away (ex. Condiments) as long as we do not charge?**
- A31: No.** 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.
- Q32: 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 student store, or offer free pizza with the purchase of another food item?**
- A32:** 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 pizza would have to meet all Smart Snacks standards to be allowable.
- Q33: Are there any commercial vendors or companies approved by Escalon Unified School District to sell food to students?**
- A33: No.** The District does not grant blanket approvals for food related vendors or products. Every request for approval must be submitted by an individual school or school-based organization and is reviewed as an individual event; based on the nutritional content of specific items, at an individual school, on a specific date, and at a specific time.