VDOE-SNP Technical Assistance Webinar:

Regulations Governing Nutritional Standards for Competitive Foods Available for Sale in the Public Schools (8VAC20-740)

# Webinar Outline

## What are the new state regulations?

* Definitions
* Applicability
* Nutrition Standards

## Local Wellness Policy Requirements

## LEA vs. SFA Responsibilities

* Determining if foods meet the nutrition standards
* Alternate non-food fundraisers
* Monitoring compliance

## Exempt Fundraisers

## Online Toolkit

# STUDENTS

## The School Nutrition Environment

* Improving the nutritional profile of all foods sold in school is critical to:
* Improving the diet and overall health of students;
* Ensuring students from all income levels adopt healthful eating habits that will enable them to live productive lives; and,
* Helping students make healthier choices and reducing their risk of obesity.

## What are the new state regulations?

* 8VAC20-740
* Superintendent’s Memorandum 291-17
  + Definitions
  + Applicability
  + Nutrition Standards
  + Local Wellness Policy Requirements
  + LEA vs. SFA Responsibilities
  + Exempt Fundraisers

## Definitions (8VAC20-740-10)

* “Competitive Food”
* “School Campus”
* “School Day”

## Applicability(8VAC20-740-20)

* All public schools and public RCCIs
* Foods available for sale to students on the school campus during the school day include:
  + A la carte in the school cafeteria
  + Vending machines
  + Snack bars and school stores
  + Student activities, such as fundraisers
  + Culinary education programs

## Applicability(8VAC20-740-20)

* These regulations do not apply to foods:
* Provided as meals in the NSLP, SBP, or ASP
* Available after the school day
* At snack bars, concession stands, or athletic events
* As school fundraisers
* At any school-sponsored activity that takes place off campus
* Available to adults only in areas not accessible to students

## Nutrition Standards (8VAC20-740-30)

* Calories
* Fat
* Sugar
* Sodium
* Etc…

## Federal Smart Snacks in Schools (SSiS) Nutrition Standards

* (Picture of a chart of the SSiS standards)
* SSiS Effective July 1, 2014
* VA Standards Effective October 18, 2017

## Comparison of Nutrition Standards

* Federal SSiS Standard
  + General standards
    - Calories
    - Total fat
    - Saturated fat
    - Trans fat
    - Sugar
    - Sodium
  + Virginia Standard
    - Same
    - Same
    - Same
    - Same
    - Same
    - Same

## Snacks Not Meeting Standards

### (Picture of snacks not meeting standards, such as cookies, doughnuts, candy, and soda)

## Exemption to the Nutrition Standards for School-sponsored Fundraisers

A limited number of exemptions to these nutrition standards may be permitted, but are not required. The LEA may set more restrictive guidelines in their local wellness policy.

## Exempt Fundraisers (8VAC20-740-35)

### LEA Responsibility (SFA may not be exempt from the federal or state guidelines)

* Each school
* No more than 30 per school
* Foods or beverages that do not meet the nutrition standards
* Not required to allow exempt fundraisers and may establish more restrictive standards (none, 5 per year, etc.) as part of the local wellness policy outlined in 8VAC20-740-40

## Exempt Fundraisers (8VAC20-740-35)

### One fundraiser is defined as one or more fundraising activities that last one school day

* If multiple school-sponsored organizations conduct a fundraiser on the same day, the combined activities count as one fundraiser
* If one fundraiser activity lasts for more than one day, each subsequent day is considered one fundraiser counting toward the limit of 30 per year

## Nonfood Fundraisers (8VAC20-740-35)

* An exemption is not required for nonfood fundraisers
* Schools are encouraged to consider options for items and activities other than foods or beverages as fundraising activities

## Fundraiser Limitations (8VAC20-290 and 8VAC20-580)

Any fundraiser that sells foods or beverages, whether meeting the nutrition standards or exempt, may not be conducted anywhere on the school campus during school meal service times.

* From 6 a.m. through the end of the breakfast period
* From the beginning of the first scheduled lunch period through the end of the last

Income from the sale of any foods or beverages sold during these times shall accrue to the school nutrition account

## Fundraiser Resources

* The School Nutrition Director in your LEA
  + Potential partner for purchasing compliant snacks
  + Expert in implementing these nutrition standards
  + Tools for evaluating products for compliance
* Local Wellness Policy Committee and Stakeholders

## Fundraiser Resources

* Nonfood Fundraiser Ideas:
  + - * [https://healthymeals.fns.usda.gov](•%09https:/healthymeals.fns.usda.gov/sites/default/files/uploads/Healthy_Fundraising_Handout_Nov_2015.pdf)
    - Healthy Food and Beverage Items:
      * [https://healthymeals.fns.usda.gov](https://healthymeals.fns.usda.gov/sites/default/files/uploads/Healthy_Fundraising_Handout_Nov_2015.pdf)
    - Smart Snacks Compliance Calculator
      * [https://foodplanner.healthiergeneration.org](https://foodplanner.healthiergeneration.org/calculator/)
    - Smart Food Planner: List of Foods That Are Compliant with the Nutrition Standards
      * [https://foodplanner.healthiergeneration.org](https://foodplanner.healthiergeneration.org/products/1-55-oz-1-55-oz-welchs-fruit-snacks-bnc-144ct-sc-case/)
    - The Healthier Generation Store - Online
      * <https://www.amazon.com/healthiergeneration>

## Implementation and Compliance(8VAC20-740-40)

* Local Wellness Policy
* LEA and SFA Responsibilities
* Recordkeeping
* DOE Responsibilities

## Federal Requirements of the Local Wellness Policy

* Effective July 1, 2017, revise and update the Local Wellness Policy
* Strengthen the policy to promote student wellness
* Requires an LEA official with authority to monitor and enforce the policy

## Local Wellness Policy Requirements (8VAC20-740-40)

* Local school board shall:
  + Incorporate and adopt state nutrition standards into LWP
* Local Wellness Policy shall:
  + Identify LEA leadership to enforce LWP
  + Establish goals for nutrition promotion, nutrition education, physical activities and other school-based activities to promote student wellness
  + Establish policies that address marketing and advertising of only foods that meet the nutrition standards

## In the interest of children…

The best possible option for consistent nutrition messaging throughout the school environment is to follow the state and federal standards for all foods and beverages available for sale to students during the school day.

## LEA and SFA Responsibilities (8VAC20-740-40)

* Local Educational Agency (LEA)
* School Board, Superintendent, Principals
* School Food Authority (SFA)
* School Nutrition Program and SNP Staff

## LEA Responsibilities

* Identify and establish LEA staff with authority to monitor and enforce compliance with these regulations
* Designate an individual at the division or school level to monitor and ensure compliance with these regulations in all areas that are outside the control of the school nutrition program operation
  + This individual shall not be school nutrition personnel
* Maintain records to document compliance with the nutrition standards for food available for sale in areas that are outside the control of the school nutrition program
* Ensure any organization or school activity responsible for the sale of food in venues other than the school nutrition program maintains records documenting compliance with the nutrition standards
* Maintain records each school year documenting the number of exempt fundraisers, if any, conducted at each school within the LEA

## Sample Exempt Fundraiser Tracker

(Picture of a tracking form)

## SFA Responsibilities

* Monitor compliance with state and federal regulations for all competitive foods sold as part of the School Nutrition Programs
* Document compliance with nutrition standards

## Recordkeeping and Documentation

* LEA and SFA must:
* Retain records to document compliance with these regulations
* Maintain documentation used to assess the nutritional profile of all competitive foods available for sale to students
  + Nutrition Facts Labels
  + Recipes
  + Product Specifications

## DOE Responsibilities

* Ensure LEAs and SFAs comply with these nutrition standards and regulations
* Provide guidance on:
  + Alternative school fundraisers that do not involve the sale of foods or beverages
  + How to determine if foods and beverages available for sale meet these standards
* Non-compliance determined by DOE, the LEA or SFA shall require corrective action

## Resources – DOE Online Toolkit

* Webinar Recording and Handouts
* DOE tools
  + Fundraiser 101 Fact Sheet
  + Exempt Fundraiser Tracking Tool
* Local Wellness Policy Resources
* Alliance for a Healthier Generation Resources
  + Product Calculator
  + Compliant Products Listing
  + Nonfood Fundraiser Ideas
* USDA Smart Snacks in School Resources

## Action Plan for 2017-2018

* Implement state regulations and nutrition standards
* Review Local Wellness Policy and adopt these nutrition standards, if not already included
* Determine LEA policy on fundraisers and incorporate into LWP
* Identify LEA leadership to monitor and enforce LWP
* Designate division level and school level LEA staff to monitor and ensure compliance with these regulations at each school in the LEA
* Maintain documentation of compliance with nutrition standards, fundraiser exemptions, and these regulations

## Implementation Success

Students FIRST

## VDOE-SNP Regional Specialist Contact Information

(Picture of a map of the Superintendent’s regions in Virginia)

## State and Federal Nutrition Standards and Regulations Information and Tool Kit

## QUESTIONS?

Please type your question in the chat box.