



State of Arizona
Department of Education

HNS# 04-2015

MEMORANDUM

To: Local Educational Agencies operating the National School Lunch Program

From: Diane Douglas, Superintendent of Public Instruction
Arizona Department of Education

Date: March 30, 2015

Subject: Revision to Arizona Department of Education Policy on Specially Exempted Fundraisers

The purpose of this memorandum is to issue a revision to the Arizona Department of Education's (ADE) policy on fundraisers granting exemption from the federally required competitive food and beverage standards, commonly known as Smart Snacks Standards. This guidance supersedes HNS# 07-2014.

Effective immediately, all exemption requests for fundraisers by LEAs will be approved by the Arizona Department of Education (ADE). ADE will track the number of exemptions granted and only take action to alter this policy if one or more LEAs abuse the policy. While ADE recognizes the importance of nutrition at our schools, we do not wish to have a deterrent effect on those wishing to raise funds for school functions.

Schools with groups, clubs, or other organizations wishing to conduct school-sponsored fundraisers that involve the sale of foods or beverages that do not meet the Smart Snacks Standards may do so by submitting a waiver request to ADE. A school principal or designated representative of the school is permitted to submit the online <https://www.surveymonkey.com/s/FundraiserExemption> or by contacting Health and Nutrition Services Division at 602-542-8700.

Title 7 of the Code of Federal Regulations section §210.11(b)(4) details the requirements for fundraiser restrictions. **Regulations state that no exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service.** When considering a waiver request the intent of the law states, "A special exemption is allowed for the sale of food and/or beverages that do not meet the competitive food standards as required in this section for the purpose of conducting infrequent school sponsored fundraiser."



LEAs have the authority to implement more restrictive competitive food standards, such as the frequency of Smart Snacks-compliant fundraisers or restrictions on the areas and times when fundraising may occur. ADE recommends LEAs update their Local Wellness Policies to identify specific district or school-level requirements on competitive foods and fundraising.

To be clear, even though ADE plans to approve all exemptions submitted by the LEA, each LEA has local control to determine who and what food is allowed on their campus and facilities. If an LEA does not wish to have people exempted for fundraisers, that is the decision of the LEA. For those LEAs that do submit exemption forms, they will all be approved. However, as stated above, this is not an excuse to abuse the intent of an exemption. If ADE tracking shows an excessive number of exemptions at a particular LEA, we will contact the LEA and discuss their activities.

What food and beverage items meet the Smart Snacks standards?

USDA has partnered with the Alliance for a Healthier Generation to provide an online calculator to help determine if a product complies with Smart Snacks Standards and can be found at [Alliance Product Calculator](#).

What is considered a fundraiser?

USDA and ADE considers a fundraiser to be an event that includes any activity during which currency/tokens/tickets, etc. are exchanged for the sale/purchase of a product in support of the school or school-related activities. For example, giving away food but suggesting a donation would be considered a fundraiser, since funds may be raised as a result. Another example may include a vending machine available at athletic events when the profits are used to support a school-sponsored club or activity such as the school band or football team. LEAs shall use this guidance when reviewing school-sponsored fundraisers for their schools.

What is the allowable length of an exempt fundraising event? Fundraisers should be single events of duration not exceeding one week. For instance, installation of a year round vending machine competing with healthy meals with unapproved food choices does NOT represent a fundraiser regardless of who receives the profits and will not be approved.

Smart Snacks Standards do not apply to foods sold outside of the school day (school day is defined for purposes of Smart Snacks as midnight before to 30 minutes after the end of the instructional day.) Additionally, Smart Snack Standards do not apply to fundraisers in which the food sold is clearly not for consumption on the school campus during the school day.

Please contact your School Nutrition Program Specialist at ADE with questions concerning this guidance. Your specialist can be found at the top of your Sponsor Application on CNP Web, Common Logon. You may also send an email to ADESchoolNutrition@azed.gov or call 602-542-8700.

