



Arizona Department of Education

Health and Nutrition Services Division

HNS# 20-2019

MEMORANDUM

To: Local Educational Agencies Operating the National School Lunch Program

From: Melissa Conner, Associate Superintendent
Arizona Department of Education, Health and Nutrition Services Division

Original Signed

Date: July 26, 2019

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 granting exemptions to school fundraisers from the federally required competitive food and beverage standards, commonly known as Smart Snacks Standards. This guidance supersedes HNS# 04-2015.

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 (this includes meals served as part of the National School Lunch and School Breakfast Programs).** 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 an infrequent school sponsored fundraiser."

Local Educational Agencies (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.

The law requires that the State agency set an upper limit on the number of fundraisers that will be allowed. All exemption requests for fundraisers by LEAs must be submitted to ADE. The number of exemptions granted will be tracked and action will only be taken if the number of exemptions for any school exceeds **75** requests per year. This upper limit was determined based on the number of requests submitted by schools over the past three years.

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 must do so by submitting a waiver request to ADE. A school principal or designated representative of the school is permitted to submit the request

online at <https://www.surveymonkey.com/s/FundraiserExemption> or by contacting Health and Nutrition Services Division at 602-542-8700, option 2.

All exemptions submitted below the upper limit will automatically be approved, but each LEA has local control to determine the amount and type of food allowed on their campus. If ADE tracking shows an excessive number of exemptions for a particular LEA, ADE 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, which can be found at [Alliance Product Calculator](#).

What is considered a fundraiser?

USDA and ADE consider 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 activity or club, 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 for a duration not exceeding one week. For instance, installation of a year-round vending machine containing non-compliant food choices competing with healthy meals 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 the 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 being sold is clearly not for consumption on the school campus during the school day.

Please contact your School Nutrition Programs Specialist at ADE with questions concerning this guidance. Your specialist can be found at the top of your Sponsor application on CNPWeb. You may also send an email to ADESchoolNutrition@azed.gov or call 602-542-8700, option 2.

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