

SD Policy on Exempt Fundraisers

Background:

The Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010 regulations (commonly referred to as Smart Snack regulations) require that states establish a policy regarding the number of fundraisers selling foods that otherwise would not be allowed (called exempt fundraisers) that can be held in schools. The regulation states that they should be infrequent.

According to federal guidelines, lack of a policy means that no exempt fundraisers can be held.

Federal regulation stipulates that no specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service.

As defined in federal regulation for the purpose of competitive food standards implementation:

- School campus means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.
- School day means the period from the midnight before, to 30 minutes after the end of the official school day.

Policy:

The South Dakota policy regarding exempt fundraisers is as follows:

1. School-sponsored groups can each have one exempt fundraiser per year during the school day on the school campus. Non school-sponsored groups cannot have fundraisers involving unallowable foods during the school day.
2. Each exempt fundraiser can only last for one day.
3. Exempt fundraisers cannot be given to another group. If an organized group chooses not to have an exempt fundraiser, another group cannot use that day.
Food cannot be ordered for delivery during the school day as a fundraiser, unless that is the school-sponsored group's exempt fundraiser. This would include any food ordered at any time and delivered to the student(s) during the school day.

Data will be collected and analyzed at the end of '14-15 school year on how the rule affected the fundraising of the school groups. A determination will then be made as to whether the exempt fundraising policy should be changed.

Additional Information:

Schools can be more restrictive such as by modifying their local wellness policy. The following areas are not affected by the federal regulation but can be restricted by the school:

- Fundraising activities involving foods that happen outside of school
- Groups other than school-sponsored groups selling allowable foods or nonfood items during the school day
- Concession stands operating outside of school hours or in areas not available to students during the school day
- Treats brought in to give away to students such as classroom parties
- Foods not intended for consumption at school (such as frozen pizza, frozen bread dough, frozen cookie dough)
- Foods sold in areas not accessible to students
- Food given to students at no charge by others, such as booster groups
- Foods that are not part of fundraisers ordered by individual students to be delivered to them

It should be noted that many fund raising opportunities exist that do not involve food. There are no limits imposed by this policy on those fund raising activities.

Culinary Arts Programs must also comply with these rules as outlined in USDA Policy Memo SP 40-2014 issued April 22, 2014.

Additional Resources:

US Department of Agriculture - <http://www.fns.usda.gov/school-meals/smart-snacks-school>

SD Department Of Education/Child & Adult Nutrition Services - <http://www.doe.sd.gov/cans/>

Alliance for Healthier Generation Smart Snacks Calculator - <https://www.healthiergeneration.org/>