

Smart Snacks in Arkansas Schools for School Year 2019-2020



Stephanie Alsbrook, MS, RD, LD

Assistant Director

Child Nutrition Unit

Division of Elementary and Secondary Education

Arkansas Department of Education



DIVISION OF ELEMENTARY
& SECONDARY EDUCATION



United States Department of Agriculture
Food and Nutrition Service

Combining of Nutrition Standards

AR Nutrition Standards

- Implemented in 2003
- Most Recent Update: May 2016

USDA Smart Snacks Regulations

- Interim Final Rule Implemented in 2014
- Nutrient Requirements Phase 2: July 1, 2016
- Final Rule Published on July 29, 2016

Both are in effect!



Why were the Arkansas Rules Updated?

- Act 1220 – Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools – passed in 2003
- New Arkansas Rules are better aligned with Federal Smart Snacks regulations that became effective in 2014
- New rules allow for consistency across grade levels when selecting food items

How will students and schools benefit?

- The New Rules put local schools in control.
- Local Wellness Committees can choose to make stricter rules or additional rules that best apply to their student population.
- The Rules expand the possibility for entrepreneurial projects putting **STUDENTS FIRST!**



Implementation of Nutrition Standards

- **5.02 Every school district shall:**

- Prohibit for elementary school students in-school access to vending machines offering food and beverages (*found in both the Rules and Act 1220 of 2003*)
- Require schools to include as part of the annual report to parents and the community the amounts and specific sources of funds received and expenditures made from competitive food and beverage contracts

- **5.03.2 The Department of Education shall:**

- Monitor and evaluate the implementation and effectiveness of the nutrition and physical activity standards and Smart Snacks requirements.

Wellness Committees



- **6.01** Every school district shall convene a school nutrition and physical activity advisory committee that shall include members from school district governing boards, school administrators, food service personnel, teacher organizations, parents, students, teachers of physical education, school health professionals, and professional groups such as nurses and community members.
- **6.06.5** Will review and make written recommendations to the district child nutrition director regarding the district's school meal menus.

General Requirements for Food & Beverages

- **8.01.1** Elementary students will not have access to vending machines offering food and beverages anywhere on school premises during the period from the midnight before to thirty (30) minutes after the end of the day's classes.

General Requirements – Providing Snacks

- **8.01.2** During the school day, all schools may serve or provide food or beverages that are compliant with Smart Snacks regulations. This includes competitive foods provided by school administrators or school non-licensed or licensed staff (principals, coaches, teachers, club sponsors, etc.), students or student groups, parents or parent groups, or any other person, company, or organization associated with the school site.



In order to provide snacks...

- **8.01.2.1** The school district shall maintain documentation that all food and/or beverages comply by utilizing the Alliance for a Healthier Generation Smart Snacks Calculator, including a copy of the Smart Snacks Calculator product compliance screen and a copy of the nutrition fact label of the product.
- **8.01.2.2** Outside of meal service, schools shall limit the number of servings per day to one per student.
 - **8.01.2.2.1** Food and beverages provided under Section 8.01.2 shall not be available in the food service area during meal service.

General Requirements – Selling Snacks



- **8.01.3** During the school day, all schools are prohibited from selling competitive food or beverages to students anywhere on school premises, except:
 - **8.01.3.1** Prior to the start of the first classes of the school day
 - **8.01.3.2** Thirty (30) minutes after the last lunch period has ended
 - **8.01.3.3** This prohibition includes competitive foods and beverages sold by school administrators or school non-licensed or licensed staff (principals, coaches, teachers, club sponsors, etc.), students or student groups, parents or parent groups, or any other person, company, or organization associated with the school site.

In order to sell snacks...

- **8.01.3.4** Food and beverages sold shall be compliant with Smart Snacks regulations, and carbonated and sweetened non-carbonated beverages shall be restricted to no more than twelve (12) ounces per container and fifty-five (55) milligrams of caffeine per serving.
- **8.01.3.5** The school district shall maintain documentation that all food(s) and/or beverage(s) comply by utilizing the Alliance for a Healthier Generation Smart Snacks Calculator, including a copy of the Smart Snacks Calculator product compliance screen and a copy of the nutrition fact label of the product.

In order to sell snacks...

- **8.01.3.6** The school district shall maintain documentation that all fundraisers to which Section 8.01.3 of these Rules applies, are approved by district administration.
- **8.01.3.7** Food and beverages sold outside of the non-profit food service shall not be available in the food service area during meal service. This Section 8.01.3.7 does not apply to a la carte items sold in the food service area.



A la carte = Competitive Food

- **8.01.4** A la carte items sold in the food service area during meal times shall be compliant with Smart Snacks regulations. This includes entrees, side dishes, second trays, and all competitive foods.
- See Commissioner's Memo **FIN-15-078 (updated version coming soon)**
- Entrees meet Smart Snacks requirements when:
 - They are sold as a second meal or a la carte item on the day of or the day after they are on the reimbursable tray (which meets Meal Pattern).
 - The Smarts Snacks calculator says "yes" they are compliant on days that are NOT the day of or the day after the item is on the reimbursable tray.
- Side dishes must always be Smart Snacks compliant when sold separately from the reimbursable tray.
- All items on a second tray must meet the above rules for the entire tray to be sold.

Exceptions to the Nutrition Rules

- **8.02.1 Parents' Rights**

This policy does not restrict what parents may provide for their own child's lunch or snacks. Parents may provide competitive foods and/or beverages or candy items for their own child's consumption, but they may not provide restricted items to other children at school.

- **8.02.2 School Nurses**

This policy does not apply to school nurses using competitive foods and/or beverages during the course of providing health care to individual students.

Exceptions to the Nutrition Rules

- **8.02.3 Special Needs Students**

This policy does not apply to special needs students whose Individualized Education Program (IEP) plan or 504 plan indicates the use of competitive foods and/or beverages for behavior modification (or other suitable need).

- **8.02.5 Food for Instructional Purposes**

Food integrated as a vital part of the instructional program are allowed at any time. Examples include edible manipulatives such as a square of cheese to teach fractions, a nutrition food experience, food production in Family and Consumer Science units, and food science units.

Nine Special Event Days

IT'S PARTY TIME



- **8.02.4 School Events**

Students may be provided any food and/or beverage items during the school day for up to nine (9) different events each school year to be determined and approved by school officials. These items may not be provided during meal times in the areas where school meals are being served or consumed.

- Do not be confused by USDA's term "Exempt Fundraisers." These are one-in-the-same for Arkansas.
- In order to be considered "approved by school officials," the nine special event days must be entered into the eSchool Calendar for each school.

USDA Fresh Fruit and Vegetable Program

- **8.02.6 U.S.D.A. Fresh Fruit and Vegetable Program**

Fresh fruits and fresh vegetables may be provided through this program, which is administered by the Arkansas Department of Education Child Nutrition Unit and funded through the Food, Conservation, and Energy Act of 2008 to provide all children in participating schools with a variety of free, fresh fruits and fresh vegetables throughout the school day.



Self-Sustaining Fresh Fruit and Vegetable Program



- **8.02.7 Self Sustaining Fresh Fruit and Vegetable Program**

Fresh fruits and fresh vegetables may be provided through this program administered at the local school level and funded through local Child Nutrition Funds (when exceeding an operating balance of three (3) months), school-sponsored groups, and/or entities within the community.

Schools participating in this program attest that the intent of the federal Fresh Fruit and Vegetable Program will be followed, including, but not limited to the requirements for only fresh fruits and fresh vegetables, nutrition education, and community involvement.

School Testing Days

- **8.02.8 School Testing Days**

Students may be given any food and/or beverage items that meet the Alliance for a Healthier Generation Smart Snacks Calculator requirements during the school day on scheduled testing days each school year to be determined and approved by school officials.

Nutrition Standards for Food and Beverages

- **9.01** The Arkansas nutrition standards will apply to all food and beverages served, provided, or sold to students on elementary, middle, junior high, and high school campuses (except the reimbursable school meals, which are governed by USDA federal regulations).
- All schools will be required to meet federal Smart Snacks regulations and document compliance using the Alliance for a Healthier Generation Smart Snacks Calculator.
- **9.02** A list of the maximum portion size restrictions and nutrition standards will be made available to school districts in April each year.

Nutrition Standards for Food and Beverages

- **9.02.2** Compliance will be monitored by the Arkansas Department of Education in addition to the self-monitoring by the local Wellness Committee.
- **9.02.3** A choice of two (2) fruits and/or 100% fruit juices must be offered for sale at the same time and place whenever competitive foods are sold. Fruits should be fresh whenever possible. Frozen and canned fruits should be packed in natural juice, water, or light syrup.
- **9.02.4** At the point of choice, at least 50% of beverages selections in vending machines, school stores and other sales venues shall be 100% fruit juice, low-fat or fat-free milk, and unflavored unsweetened water.

Vending Contracts

- **9.02.6** Any modifications or revisions of vending contracts in existence prior to August 8, 2005, must be in full compliance with all sections of the Rules Governing Nutrition and Physical Activity Standards in Arkansas Public Schools as approved by the State Board of Education

Outside of School

- **9.02.7** Nothing in these rules shall be construed to prohibit or limit the sale or distribution of any food or beverages item through fundraisers by students, teachers, or other groups when the items are sold off the school campus.
- 30 minutes after the instructional day ends, weekends, and off-campus fundraising is NOT restricted.
- Including frozen pizza or cookie dough sales, concessions during after-school sports events, plays, concerts, etc.

Nutrition Education

- **10.01** The Arkansas Department of Education shall promote grade-appropriate nutrition education as part of the broad based integrated health education program that is aligned with the Arkansas Physical Education and Health Education Framework.
- **10.03** Implementation of grade-appropriate nutrition education through a comprehensive education program will be included in the school improvement process.



Healthy School Environment



- **11.01** No food or beverage shall be used as rewards for academic, classroom, or sport performances and/or activities. (see exceptions)
- **11.02** All school cafeterias and dining areas should reflect healthy nutrition environments.
- **11.03** Schools should ensure that all students have access to school meals. Schools should not establish policies, class schedules, bus schedules or other barriers that directly or indirectly restrict meal access.
- **11.04** Drinking water via water fountains or other service receptacle should be available without charge to all students on campus according to Arkansas Department of Health standards.

Shared Common Areas

- Must follow the most restrictive guidelines based on school level.
- Example: My middle school and high school share facilities and all students have access to all venues in the school.
- Items available for sale must meet middle school standards.

Is a product allowable per USDA?

USDA Smart Snacks for Foods

- Meet all USDA Nutrient Standards **AND**
- Be Whole Grain Rich **OR**
- 1st ingredient is fruit, veg, dairy product or protein food **OR**
- Be “combination food” that contains at least ¼ cup of fruit and/or vegetable
- **10% DV Rule has EXPIRED**

USDA Smart Snacks for Beverages

- Milk – type and size restricted
- Juice – 100% f/v
 - Can be diluted with water, carbonated, no added sweeteners, portion size restricted
- HS – calorie-free and lower-calorie restrictions (calories and portion size)

Alliance for a Healthier Generation Smart Snacks Calculator

- Tells you “yes” or “no” to the previous slide’s outline
- Used by schools to calculate and document whether a product meets USDA Smart Snacks Nutrient Standards

<https://foodplanner.healthiergeneration.org/calculator/>

Is a product allowable per Ark Nut Standards?

- Foods and beverages must meet Smart Snack Requirements
- Beverages must meet Smart Snack requirements for the appropriate school levels (elementary, middle, high school)
- carbonated and sweetened non-carbonated beverages shall be restricted to:
 - no more than twelve (12) ounces per container
 - and fifty-five (55) milligrams of caffeine per serving
- See Commissioner's Memo CNU-19-034 for the Child Health Advisory Committee Recommendations for SY 2019-20

Record Keeping

- LEAs and SFAs must maintain records such as receipts, nutrition labels, and product specifications
- SFAs must maintain records for competitive foods sold under the nonprofit school food service account
- LEAs must maintain records for all other competitive food sales



Monitoring and Compliance



- Area Specialists will be looking at and documenting in Administrative Reviews compliance issues both inside and outside the cafeteria.
- If violations have occurred, technical assistance and a corrective action plan will be required.
- **ADE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts, July 2018, Standard 3-D Food Service**
- 3-D.1 Each public school district shall provide food services in accordance with federal and state laws and the rules of the Department.

Resources

Arkansas

- ADE Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools (May 2016)
- Self-Sustaining FFVP – Memo CNU-16-046
- Testing Days – Memo CNU-16-043
- Smart Snacks in Arkansas Schools – Memo CNU-16-044

USDA

- USDA Policy Memo SP-23-2014 (v.3) “Questions and Answers Related to the Smart Snacks Interim Final Rule – Revised”
- Final Rule: Nutrition Standards for All Foods Sold in Schools as Required by the HHFKA of 2010
- Alliance for a Healthier Generation Smart Snacks Calculator