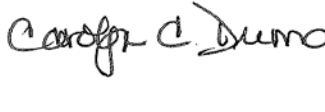




MEMO

**TO:** Superintendents, Chief Administrators, Business Managers, School Nutrition Program Directors of Schools Participating in the School Nutrition Programs

**FROM:** Carolyn C. Dumaresq, Ed.D., Acting Secretary of Education 

**DATE:** June 30, 2014

**RE:** Fundraiser Exemptions

**MESSAGE:**

The Healthy Hunger Free Kids Act of 2010 required USDA to establish nutrition standards for all foods sold on school grounds during the school day. On June 28, 2013, USDA released interim regulations that delineate the standards and are referred to as the Smart Snacks in Schools Standards. These standards are available at [www.fns.usda.gov/cnd/governance/legislation/allfoods.htm](http://www.fns.usda.gov/cnd/governance/legislation/allfoods.htm). The standards are effective July 1, 2014.

School fundraisers are included in the standards. The proposed rule requires that each State Agency that has oversight for the School Nutrition Programs (Pennsylvania Department of Education) to determine if schools will be permitted to sell foods (including beverages) as fundraisers that do not meet the Smart Snacks in Schools Standards and, if permitted, establish the number and duration of each fundraiser.

A fundraiser is considered an event that includes an activity which currency/token/tickets, etc. are exchanged for the sale/purchase of a product in support of the school or school-related activities. Examples include: bake sales, candy bar sales, vending machines where profits are used to support a school-sponsored club or activity, such as the school band or sports team.

In April, a memo was issued to School Nutrition Directors asking them to gather information to complete a short survey so the Pennsylvania Department of Education could assess the current baseline for the number of fundraisers that are occurring that will not meet the Smart Snacks Standards. Based on this information, the Department has determined that a maximum of five exempt fundraisers will be permitted in each elementary and middle school building per year, and a maximum of ten exempt fundraisers will be permitted in each high school building per year. Each fundraiser may not exceed one school week.

It is important to remember that these exemptions only apply to fundraisers that do not meet the requirements for foods sold in school in the Smart Snack Standards. Non-food fundraisers and food fundraisers that meet the requirements of the Smart Snack Standards do not require an exemption. Exempt fundraisers may not be sold in the food service area during the meal period. Additionally, the Smart Snack Standards only apply to foods sold to students during the school day. Therefore, the Smart

Snack Standards are not applicable to fundraisers that take place after the school day (i.e., fundraisers where a brochure is sent home, such as frozen pizzas, subs/sandwiches).

Each Local Education Agency will need to establish a process for ensuring the number of exempt fundraisers does not exceed the maximum of five in each elementary and middle school building, and ten in each high school building. Please note, this is a maximum number and schools may choose to establish a lower number of exemptions (this could be documented in the Local Wellness Policy). The Pennsylvania Department of Education will not approve the aforementioned policies or processes; however, during an Administrative Review to monitor compliance of the School Nutrition Programs, the Department will ensure that schools are compliant with fundraiser exemptions.

Please be advised this policy is effective July 1, 2014, and is only applicable to the 2014-15 school year. The Department will evaluate the policy for subsequent years.