

Arkansas Department of Education

Child Nutrition Unit

Smart Snacks in Arkansas Schools: Questions and Answers

1. Do I have to follow Federal Smart Snacks regulations or the Arkansas Nutrition Standards?

Both. Schools are required to implement whichever standard is most restrictive. In some cases, federal standards are stricter (ex: declared school day starts at midnight). In some cases, Arkansas standards are stricter (ex: no vending in elementary schools during the school day). Additionally, schools may have their own local wellness policies that are stricter than either the federal or state requirements.

2. What items are affected by Smart Snacks and Arkansas Nutrition Standards?

Fundraisers, parties, a la carte in the cafeteria, second trays, and “all foods on campus” that are outside of a reimbursable meal or snack within the Child Nutrition Programs

3. Are snacks allowed in all schools?

Yes, snacks are allowed to be provided and/or sold in all schools (elementary, middle, and high school) when certain procedures are followed (see below). The Smart Snacks calculator asks which school level the snack will be provided/sold to and considers separate nutrient guidelines when determining if a product is compliant for each school level (for beverages).

4. Is there a difference between providing and selling snacks?

Yes.

All schools may **serve or provide** food or beverages that are compliant with Smart Snacks regulations when the following procedures are implemented:

- The snacks are not reimbursable through Child Nutrition. The snacks must be funded by non-federal funds.
- Snacks may be provided any time during the school day.
- However, no more than one snack per student per day is allowed.
- The snacks must meet Smart Snacks guidelines by entering into the online Alliance for a Healthier Generation Calculator based on school level (elementary, middle, high school).
- The school must keep documentation, including the nutrient fact label and the calculator printout to confirm the product is compliant.
- Carbonated and sweetened non-carbonated beverages are limited to 12 oz or less per container and 55 mg of caffeine per serving.
- Applies until 30 minutes after school ends.
- Snacks may not be served in food service areas during the meal service.

Schools may **sell** snacks when the following procedures are implemented:

- May be sold prior to the start of the 1st classes of the school day and/or 30 minutes after the last lunch has ended in any school.
- Applies until 30 minutes after school ends.
- No vending machines in Elementary Schools.
- Must meet Smart Snacks guidelines by entering into online Alliance for a Healthier Generation Calculator for the appropriate school level (elementary, middle, high school).
- Must keep documentation including nutrient fact label and calculator printout.
- May not be sold or served in food service areas during meal service.
- Carbonated and sweetened non-carbonated beverages are limited to 12 oz or less per container and 55 mg of caffeine per serving.
- These rules apply to a la carte, entrees, side dishes, second trays and all competitive foods in the cafeteria, as well.
- Fundraisers must be approved by district administration (documentation required).

5. What is a “special event” under the “9 Special Event Days” rule from Act 1220?

ADE Rule 8.02.4 defines School Events - Students may be given any food and/or beverage items during the school day for up to nine different events each school year to be determined and approved by school officials. These items may not be given during meal times in the areas where school meals are being served or consumed.

6. Can one week of a specific celebration (ex: fall festival, homecoming week, etc.) count as one event?

No, each day counts as one of the 9 Special Event Days. Schools may have a week-long celebration and count that as 5 of their 9 Special Event Days.

Note: If a school decides to have a week-long celebration, it is recommended that they inform parents about why so many treats are suddenly available at school.

Note: Some schools have started “snack-free parties.” For example, instead of candy for a fall party, they give spider rings, mini games, bubbles, pencils, erasers, etc.

7. Can my PTO buy snacks for elementary students?

ADE Rule 8.01.2 says, “During the school day, all schools may serve or provide food or beverages that are compliant with Smart Snack 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.”

- Not more than one snack per day per student may be provided.
- Schools must keep documentation, including nutrient fact label and calculator printout showing the product is compliant

8. Can I give pizza/ice cream/other tickets as a reward for school or activity performance?

No. ADE Rule 11.01 says, “No food or beverage shall be used as rewards for academic, classroom or sport performances and/or activities. For exceptions to this requirement, see Section 8.02 of the ADE Rules.”

9. Can we have a party to celebrate birthdays, holidays, and achievements?

Yes, the party would count toward the school’s 9 Special Event Days.

A non-food party is also an option and would not count as one of the nine days.

A party could include Smart Snacks (with teachers/staff/principals ensuring one snack per student per day) and would not have to count as one of the nine days.

10. Can Ms. Davidson have a party on Monday...Ms. Alsbrook have a party on Tuesday...And Ms. McBride have a party on Wednesday?

No, all teachers in the building must agree to have their parties on the same day and count that as one of the 9 Special Event Days.

11. How do I record our special event days?

On the official school calendar in eSchool maintained by the building principal’s office.

Description: Act1220 Exempt Event Days

Code: 9DY

12. Why am I required to record the special event days?

Recording the days on the school’s calendar serves as documentation that the building has agreed on which days to have special events and that the school is staying within the nine allowed days. This method also helps the building’s Child Nutrition Manager to make adjustments to the number of meals prepared on Special Event Days; therefore, saving the school money by decreasing food waste.

13. What is the “30 minute rule”?

ADE Rule 8.01.3 says, “During the school day, all schools are prohibited from selling competitive food or beverages to students anywhere on school premises except:

- Prior to the start of the first classes of the school day
- Thirty (30) minutes after the last lunch period has ended”

These rules also apply to the 30 minutes after the last school bell of the day.

This is often referred to as the “30 minute rule.”

14. What is a FMNV?

Foods of Minimal Nutritional Value (FMNV) is an obsolete USDA term. The Smart Snacks program went into effect for SY 2014-2015. Therefore, any competitive foods and beverages must meet the nutrition standards of Smart Snacks.

15. Can my students (any grade) sell frozen pizza or cookie dough at school?

Yes, USDA considers these items to be sold in a non-consumable form. Therefore, they may be sold at any school during the school day.

16. Are there restrictions on what can be sold afterschool?

Within the first 30 minutes after school, all foods and beverages given or sold must meet Smart Snacks and Arkansas Nutrition standards (and go through the calculator). Thirty minutes after the last school bell, there are no restrictions.

17. What is limited in concession stands for afterschool activities?

No federal or state standards restrict foods or beverages in concession stands or afterschool activities. Local wellness policies may be more restrictive and include policies that limit items in these locations.

18. Can a parent send competitive foods for their own student?

ADE Rule 8.02.1 Parent’s Rights says, “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.”

19. Can a parent send competitive foods for other students?

ADE Rule 8.02.1 Parent's Rights says, "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."

This does not apply on special event days. When parents bring food for the class on special event days, the items may not be homemade.

A parent or parent group may fund/provide snacks when school officials have met all of the Nutrition Standards and followed procedures for providing regular Smart Snacks. (ex: Kindergarten parents providing afternoon snack).

20. Can I serve any snack in activities or tutoring after school?

If snacks are served within the first 30 minutes after school is dismissed, the snacks must meet Smart Snacks and Arkansas Nutrition Standards requirements.

If snacks are served after the first 30 minutes, there are no restrictions. However, CNU encourages healthy snacks.

21. Can my school serve kindergarten (or other grade) a snack in the afternoon because they eat lunch so early?

Yes, schools must follow the Smart Snacks requirements and the Arkansas Nutrition Standards described in 8.01.2 of the ADE Rules.

22. My middle school and high school students share a common area...which rules should I follow for Smart Snacks?

Middle school has the most restrictive rules, and those more restrictive rules apply to all students accessing the common area.

23. Can I serve snacks to students on testing days?

Yes, snacks must be Smart Snack compliant as described in 8.02.8 of the ADE Rules.

24. What is the Alliance for a Healthier Generation Smart Snacks Calculator?

This is a tool developed by the Alliance for a Healthier Generation to assist schools in identifying products that meet the federal nutrition standards ("Smart Snacks").

https://www.healthiergeneration.org/take_action/schools/snacks_and_beverages/smart_snacks/alliance_product_calculator/

25. Can a teacher use food for instruction?

ADE Rule 8.02.5 says, "Foods integrated as a vital part of the instructional program are allowed at any time."

CNU encourages healthy foods. Teachers should have the use of food documented in their lesson plans.

26. Are nurses limited to what snacks they may serve a student with a health care need?

ADE Rule 8.02.2 says that Arkansas Nutrition Standards do not apply to school nurses using competitive foods and/or beverages during the course of providing health care to individual students.

27. Are special needs students limited in what snacks they may be offered?

ADE Rule 8.02.3 says the Arkansas Nutrition Standards do 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).