

# 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 (commonly referred to as Smart Snack in Schools) 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 these exempted school-sponsored fundraisers should be infrequent. According to federal guidelines, lack of a policy means that no exempt fundraisers can be held.

Federal regulation stipulates that no exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. In addition, food cannot be ordered at any time for delivery during the school day as a fundraiser.

As defined in federal regulation for the purpose of implementation of Smart Snacks in Schools Nutrition Standards:

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 policy set by the Kansas State Board of Education regarding exempt fundraisers is as follows:

**“One exempt fundraiser per school organization per semester that does not meet the Nutrition Standards for All Foods Sold in School during the school day on the school campus will be allowed. An organization is defined as a school group that is approved by the local board of education. Length of the organization’s exempt fundraiser cannot exceed 2 days.”**

Exempt fundraisers cannot be given to another group. If an organized group chooses not to have an exempt fundraiser, another group cannot use that exemption.

## Tracking Exempted Fundraisers:

KSDE has developed an “Exempted Fundraisers Tracking Tool” that schools can choose to utilize in assisting them in tracking their exempted fundraisers. The tracking tool can be found at [http://www.kn-eat.org/SNP/SNP\\_Menus/SNP\\_Guidance\\_Smart\\_Snacks.htm](http://www.kn-eat.org/SNP/SNP_Menus/SNP_Guidance_Smart_Snacks.htm).

Data will be collected and analyzed at the end of the ‘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 school wellness policy. The following areas are not affected by the federal regulation but can be restricted by the school:

- Fundraising activities involving foods/beverages that happen outside of the school day or off of the school campus
- Fundraising of foods/beverages that meet the Smart Snacks requirements
- Fundraising that does not involve the sale of food or beverages
- 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 for classroom parties that are given away to students
- 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

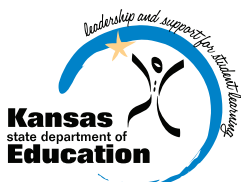
Culinary Arts and Special Education Programs must also comply with these rules as outlined in USDA Policy Memo SP 40-2014 issued April 22, 2014.

## Additional Resources:

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

Kansas State Department of Education, Child Nutrition & Wellness - [http://www.kn-eat.org/SNP/SNP\\_Menus/SNP\\_Guidance\\_Smart\\_Snacks.htm](http://www.kn-eat.org/SNP/SNP_Menus/SNP_Guidance_Smart_Snacks.htm)

Alliance for Healthier Generation Smart Snacks Calculator and Product Navigator - [https://schools.healthiergeneration.org/resources\\_tools/](https://schools.healthiergeneration.org/resources_tools/)



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