

Snack Foods and Beverages In Illinois Schools

A comparison of state policy with USDA's nutrition standards

Illinois Administrative Code 23, Section 305.15, established by the State Board of Education in 2006, sets requirements for the sale of food and beverages to students in grades 8 and below. In an effort to comply with the requirements of the U.S. Department of Agriculture's Smart Snacks in Schools nutrition standards, the board passed an emergency fundraiser-exemption policy, which went into effect July 1, 2014. This policy applies to all elementary and secondary schools. The state will be going through a formal rulemaking process involving public comment in the coming year.

Policy Applications		
	USDA interim final rule	Illinois standards ¹
What is covered by the policy?	This policy applies to all snack foods and beverages sold in schools—elementary, middle, and high—operating the National School Lunch Program (NSLP) and School Breakfast Program (SBP) effective July 1, 2014.	This policy applies to snack food and beverages sold in grades K-8 in public and nonpublic schools that participate in the School Breakfast Program or the National School Lunch Program.
Does the policy address preemption?	The interim final rule sets minimum standards for foods and beverages that local educational agencies, school food authorities, and schools must meet. State agencies and/or local school districts may establish other standards if they are consistent with or stricter than the national policy.	No standard
Definition of "school day"	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	The period of time from 12:01 a.m. until 30 minutes after the end of the official school day. This policy does not apply to the extended school day, so after-school activities are not included.
Definition of "school campus"	All areas of the school's property accessible to students during the school day are considered part of the school campus.	All areas of the property under the jurisdiction of the school accessible to students during the school day.

¹ This chart reflects state policies in place as of Aug. 1, 2014, and federal standards as of Sept. 11, 2014.

Foods		
	USDA interim final rule	Illinois standards
General	<p>A food item must meet all the competitive food-nutrient standards, as outlined in this chart, and</p> <ul style="list-style-type: none"> be a whole-grain product containing 50% or more whole grains by weight or have whole grains listed as the first ingredient, or have as the first ingredient one of the non-grain major food groups: a fruit, vegetable, dairy product, protein food, or be a combination food that contains at least ¼ cup of fruit and/or vegetable, or Through June 30, 2016, a competitive food can contain 10 percent of the Daily Value of a nutrient of public health concern as identified in the <i>Dietary Guidelines for Americans</i> (i.e. calcium, potassium, vitamin D or dietary fiber). <p>If water is the first ingredient, the second must be one of the food items above.</p>	<p>Foods of Minimal Nutritional Value, or FMNVs, such as water ices, chewing gum, and certain candies, are prohibited for sale in food service areas during meal periods.</p> <p>Foods sold to students outside of the food service areas or within food service areas other than during meal periods shall include only:</p> <ul style="list-style-type: none"> nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruits or non-fried vegetables, or low-fat yogurt and products; or any food that meets the following standards outlined in this chart. <p>The revenue from the sale of any food or beverage meeting the competitive food standards sold to students in the food service area during meal periods must accrue to the food service account.</p>
Calories (per item as packaged or served)	<p>≤ 200 calories for snacks and side dishes</p> <p>≤ 350 calories for entree items</p>	<p>≤ 200 calories for snacks</p>
Total fat	<p>≤ 35% of total calories</p>	<p>≤ 35% of total calories</p>
Saturated fat	<p>≤ 10% of total calories</p>	<p>≤ 10% of total calories</p>
Trans fat	<p>Zero grams</p>	<p>No standard</p>
Sugar (per item as packaged or served)	<p>≤ 35% of weight from total sugars in foods</p>	<p>≤ 35% of weight from total sugars in foods</p>
Sodium (per item as packaged or served)	<p>≤ 230 mg of sodium for snack items (July 2014-June 30, 2016)</p> <p>≤ 200 mg of sodium for snack items (as of July 1, 2016)</p> <p>≤ 480 mg of sodium for entree items</p>	<p>No standard</p>
Other	<p>NSLP and SBP entrees sold a la carte are exempt from the rule's nutrient standards if sold on the day that they are offered as part of a reimbursable meal, or sold on the following school day.</p> <p>Accompaniments, such as condiments or salad dressing, must be included in the nutrient profile as a part of the item served.</p>	<p>Food and beverages sold to students as part of the reimbursable meal or within food service areas during meal periods are exempt from nutrient standards.</p> <p>All confections, candy, and potato chips are prohibited for sale during meal periods in schools with classes of grade 5 and below.</p>

Beverages		
	USDA interim final rule	Illinois standards
General	Elementary and middle schools may only sell low-fat or nonfat milk, 100 percent fruit and/or vegetable juice, and water per USDA's portion guidelines. High schools may sell additional beverages meeting calorie and serving size limits.	
Juice		
Elementary	100% fruit/vegetable juice ≤ 8 fl oz 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 8 fl oz	Fruit/vegetable drinks containing 50% or more juice
Middle	100% fruit/vegetable juice ≤ 12 fl oz 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz	Only applicable for grade 8 and below: fruit/vegetable drinks containing 50% or more juice
High	100% fruit/vegetable juice ≤ 12 fl oz 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz	No standard
Milk and milk alternatives		
Elementary	Low-fat milk, unflavored ≤ 8 fl oz Nonfat milk, plain or flavored ≤ 8 fl oz Nutritionally equivalent milk alternatives ≤ 8 fl oz	Whole, reduced-fat, low-fat, and nonfat, plain or flavored milk Reduced-fat and enriched alternative dairy beverages approved by the USDA
Middle	Low-fat milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 fl oz	Only applicable for grade 8 and below: reduced-fat, low-fat, and nonfat, plain or flavored milk; reduced-fat and enriched alternative dairy beverages approved by the USDA
High	Low-fat milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 fl oz	No standard
Water		
All grades	Potable water must be available at no charge during meal service where breakfast and lunches are served. There is no ounce restriction on plain water for sale (carbonated or noncarbonated).	Non-flavored, non-sweetened, noncarbonated water allowed

Beverages		
	USDA interim final rule	Illinois standards
Other beverages		
	<p>Other beverages allowed only in high school:</p> <p>Calorie-free, flavored and/or carbonated water and other calorie-free beverages that comply with the Food and Drug Administration's requirement of ≤ 5 calories per 8 fluid oz serving (or ≤ 10 calories per 20 fluid oz), in no more than 20 oz servings.</p> <p>Beverages ≤ 40 calories per 8 fluid oz serving (or ≤ 60 calories per 12 fluid oz serving) in no more than 12 oz servings are also allowed.</p>	<p>Yogurt or ice-based fruit smoothies allowed if:</p> <ul style="list-style-type: none"> < 400 calories; no added sugars; and made from fresh or frozen fruit or fruit drinks containing at least 50% fruit juice <p>Any beverage exempt from the USDA's list of FMNV is allowed</p>
Caffeine		
Elementary	Not allowed	No standard
Middle	Not allowed	No standard
High	Caffeinated beverages allowed	No standard
Artificial sweeteners		
	No standard	No standard

Other		
	USDA interim final rule	Illinois standards
Fundraisers	<p>Exemptions allowed for infrequent school-sponsored fundraisers.</p> <p>Frequency to be defined by state agency.</p> <p>Exempted fundraiser foods or beverages may not be sold in competition with school meals in the food service area during the meal service.</p>	<p>Illinois has taken a three-year phase-out approach to fundraising exemptions. As of July 1, 2014, schools must adhere to the following fundraising exemptions:</p> <ul style="list-style-type: none"> • elementary/middle school: Nine exemption days in year one; four in year two; and none in year three • high school: 36 exemption days in year one; 18 in year two; and nine in year three <p>There are no limits on the number of foods and beverages that may be sold, nor on the number of organizations or clubs that may fundraise on an exempted day. Schools must adopt policies, contained within their Local Wellness Policy, that state the procedure to be used to request an exempted fundraising day, and the process and criteria to review and approve (or deny) the request. Schools must maintain a list of the exempted fundraising days held for no less than three years.</p>
Class parties/school celebrations	No standard	No standard
Food marketing	No standard included in the USDA Smart Snacks interim final rule; however, USDA's proposed rule on Local Wellness Policies addresses this component.	No standard
Positive nutritional value	No standard	No standard
Nutrition labeling requirements	No standard	No standard
Local Wellness Policy	No standard included in the USDA Smart Snacks interim final rule; however, school districts are required by federal law to have a Local Wellness Policy.	No standard

Exemptions to food and beverage standards		
	USDA interim final rule	Illinois standards
General		
General exemptions	<p>Fresh, canned, and frozen fruit or vegetables with no added ingredients except water, or in the case of fruit, packed in 100 percent juice, extra light, or light syrup are exempt from the interim final rule's nutrient standards.</p> <p>Canned vegetables that contain a small amount of sugar to maintain the quality and structure of the vegetable are exempt from the rule's nutrient standards.</p> <p>Sugar-free chewing gum is exempt from competitive food standards and may be sold to students at the discretion of the local educational agency.</p> <p>"Paired exemptions" are items designated as exempt from one or more of the nutrient requirements individually and packaged together without any additional ingredients. These items retain their individually designated exemption for total fat, saturated fat, and/or sugar when packaged together and sold. "Paired exemptions" are required to meet the calorie and sodium limits for Smart Snacks.</p>	
Exemptions from total fat	<p>Nuts, seeds, nut/seed butters</p> <p>Reduced-fat and part-skim mozzarella cheeses</p> <p>Products consisting of only dried fruits with nuts and/or seeds, with no added nutritive¹ sweetener or fat</p> <p>Seafood with no added fat</p> <p>Combination foods are not exempt and must meet all nutrient standards.</p>	
Exemptions from saturated fat	<p>Nuts, seeds, nut/seed butters</p> <p>Reduced-fat and part-skim mozzarella cheeses</p> <p>Products consisting of only dried fruits with nuts and or seeds, with no added nutritive sweetener or fat</p> <p>Combination products are not exempt and must meet all nutrient standards.</p>	
Exemptions from sugar (per item as packaged or served)	<p>Dried whole fruit or vegetables; dried whole fruit or vegetable pieces; and dehydrated fruit or vegetables with no added nutritive sweeteners</p> <p>Dried fruit with added nutritive sweeteners required for processing and/or palatability purposes</p> <p>Products consisting of only dried fruits with nuts and or seeds with no added nutritive sweeteners or fat.</p>	

¹ Nutritive and non-nutritive sweeteners enhance the flavor and/or texture of food. Nutritive sweeteners provide the body with calories, whereas non-nutritive sweeteners are low in calories or contain none. They can be added to both food and beverages.

References

Federal Register, 2013, 7 CFR Parts 210 and 220, *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in Schools as Required by the Healthy, Hunger-Free Kids Act of 2010; Interim Final Rule*, U.S. Department of Agriculture, 78 (125) (June 28, 2013).

Federal Register, 2014, 7 CFR Parts 210 and 220, *Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010: Proposed Rule*, U.S. Department of Agriculture, 79 (38) (February 26, 2014).

Illinois State Board of Education (2006), 23 Illinois Administrative Code Ch 1, Section 305-15, <http://www.isbe.state.il.us/rules/archive/pdfs/305ark.pdf>.

Illinois State Board of Education (2013), "Nutrition Programs Administrative Handbook," http://www.isbe.state.il.us/nutrition/sbn_handbook/regulations.pdf.

Illinois State Board of Education (2014), 23 Illinois Administrative Code Ch 1, Section 305-15 Emergency, <http://www.isbe.state.il.us/rules/archive/pdfs/305emerg.pdf>.

**KIDS' SAFE &
HEALTHFUL
FOODS PROJECT**


Robert Wood Johnson
Foundation

 **THE
PEW**
CHARITABLE TRUSTS

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The Kids' Safe and Healthful Foods Project, a collaboration between The Pew Charitable Trusts and the Robert Wood Johnson Foundation, provides nonpartisan analysis and evidence-based recommendations to make sure that all foods and beverages sold in U.S. schools are safe and healthful.