

Snack Foods and Beverages In North Carolina Schools

A comparison of state policy with USDA's nutrition standards

The State Board of Education is required through statute (NCGS 115C-264) to establish statewide nutrition standards for school meals, a la carte foods, and beverages, and for items served in the After School Snack Program administered by the Department of Public Instruction and child nutrition programs of local school administrative units. The legislation encouraged School Food Authorities, or SFAs, to adopt the North Carolina Eat Smart Nutrition Standards, which stated that elementary schools must have achieved the basic level by the 2009-2010 school year--followed then by middle and high schools--and required snack vending in all schools to meet the proficient level. However, the Eat Smart Nutrition Standards were never fully funded and therefore never fully codified into law for middle and high schools. As a result of the legislation, the State Board of Education (SBOE Policy #EEO-S-000) established nutrition standards for elementary schools that were consistent with the *Dietary Guidelines for Americans*. The board's policy also requires SFAs to prepare (and submit for review to the School Nutrition Services section of the North Carolina Department of Public Instruction) a nutrient analysis of menus served for one week in the fall and one week in the spring. The SFA's school nutrition program uses this analysis to help plan meals and to provide technical assistance and continuing education for SFAs by the department. The State Board policy is undergoing revision to be compliant with the new federally mandated meal pattern and dietary standards and the USDA Smart Snacks interim-final rule, but it will not be finalized until the USDA issues a final rule. As such, this chart reflects information obtained from a memo from the North Carolina Department of Public Instruction to schools on bringing state policy into compliance with the federal rule ("Re: Smart Snacks Nutrition Standards for All Foods Sold to Students." June 30, 2014).

Policy Applications		
	USDA interim final rule	North Carolina 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 all snack foods and beverages sold to students in North Carolina schools.
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.	Schools may adopt stronger standards than those required.

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

Policy Applications		
	USDA interim final rule	North Carolina standards
<p>Definition of "school day"</p>	<p>The period from 12:01 a.m. until 30 minutes after the end of the instructional day.</p>	<p>The period from 12:01 a.m. until 30 minutes after the end of the instructional day.</p> <p>State policy prohibits the sale of foods and beverages to students on the school campus in competition with the nutrition programs from 12:01 a.m. until the cafeteria closes for the day. Thus a school may sell competitive foods only after the cafeteria closes for the day until 30 minutes after the dismissal bell rings.</p> <p>In order to comply with both USDA's Interim Final Rule and state policy, each local education agency, or LEA, will be required to declare one of four options (or a combination of options) to be implemented in the coming year:</p> <p>Option 1: The LEA may choose to extend state policy throughout the school day, thus no competitive foods would be sold to students until 30 minutes after the dismissal bell rings.</p> <p>Option 2: The LEA designates all responsibility for food and/or beverage vending to the school nutrition program, thus the only foods or beverages that may be sold during the day would be by the nutrition program and all items sold to students would meet the Smart Snacks standards. Responsibility for compliance would fall to the nutrition program.</p> <p>Option 3: The LEA may sell foods or beverages after the cafeteria closes for the day; it may purchase foods and/or beverages meeting Smart Snacks standards from the school nutrition program. The LEA may also purchase administrative services (purchasing, record-keeping, reporting, etc.) from the school nutrition program. The LEA is responsible for overall compliance; however, the school nutrition program will be responsible for documentation.</p> <p>Option 4: The LEA may purchase foods and/or beverages that meet Smart Snacks standards and sell them after the cafeteria closes for the day, but the LEA is responsible for maintaining all documentation and compliance monitoring.</p>
<p>Definition of "school campus"</p>	<p>All areas of the school's property accessible to students during the school day are considered part of the school campus.</p>	<p>Any food and beverage services during or before the established lunch period may occur only through the school nutrition department. The school may sell extra food items after the established lunch hour is over, only if it chooses options 2, 3, or 4 as outlined above. The established lunch hour is over when the cafeteria closes for the day.</p>

Foods		
	USDA interim final rule	North Carolina 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>State policy prohibits the sale of foods and beverages to students on the school campus in competition with the school nutrition programs from 12:01 a.m. until the school cafeteria closes for the day. Thus the following standards apply following the time the cafeteria closes for the day until 30 minutes after the dismissal bell rings.</p> <p>In elementary schools, students may not have access to vending of any kind.'</p>
Calories (per item as packaged or served)	<p>≤ 200 calories for snacks and side dishes</p> <p>≤ 350 calories for entree items</p>	Consistent with USDA Smart Snacks standards
Total fat	≤ 35% of total calories	Consistent with USDA Smart Snacks standards
Saturated fat	≤ 10% of total calories	Consistent with USDA Smart Snacks standards
Trans fat	Zero grams	State statute requires that schools not use cooking oils in their school food programs that contain trans-fatty acids or sell processed foods containing trans-fatty acids that were formed during the commercial processing of the foods.
Sugar (per item as packaged or served)	≤ 35% of weight from total sugars in foods	Consistent with USDA Smart Snacks standards
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>	Consistent with USDA Smart Snacks standards (Tier 1 standard)
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>	

Beverages		
	USDA interim final rule	North Carolina 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.	<p>State statute allows schools, with the approval of the local board of education, to sell beverages in vending machines to students during the school day so long as:</p> <ul style="list-style-type: none"> • Soft drinks are not sold during the breakfast and lunch periods, at elementary schools, or contrary to the requirements of the National School Lunch Program; • Sugared carbonated soft drinks, including mid-calorie carbonated soft drinks, are not offered for sale in middle schools; • ≤ 50% of the offerings for sale to students in high schools are sugared carbonated soft drinks; • Diet carbonated soft drinks are not considered in the same category as sugared carbonated soft drinks; • Bottled water products are available in every school that has beverage vending; and • Revenue from the sale of beverages to students from 12:01 a.m. through the time the cafeteria closes must accrue to the nonprofit school nutrition account. <p>Elementary schools students may not have access to vending of any kind.'</p> <p>Middle and high school students may have access to beverage vending machines, with approval from the local board of education, as long as:</p> <ul style="list-style-type: none"> • Middle school: the contents are limited to water, milk, and juice • High school: the contents are limited to water, milk, juice, and sports drinks' • Revenue from food/beverage sales to students must accrue to the nonprofit school nutrition account.'
Juice		
Elementary	<p>100% fruit/vegetable juice ≤ 8 fl oz</p> <p>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 8 fl oz</p>	Consistent with USDA Smart Snacks standards
Middle	<p>100% fruit/vegetable juice ≤ 12 fl oz</p> <p>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz</p>	Consistent with USDA Smart Snacks standards
High	<p>100% fruit/vegetable juice ≤ 12 fl oz</p> <p>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz</p>	Consistent with USDA Smart Snacks standards

Beverages		
	USDA interim final rule	North Carolina standards
Milk and milk alternatives		
Elementary	<p>Low-fat milk, unflavored ≤ 8 fl oz</p> <p>Nonfat milk, plain or flavored ≤ 8 fl oz</p> <p>Nutritionally equivalent milk alternatives ≤ 8 fl oz</p>	Consistent with USDA Smart Snacks standards
Middle	<p>Low-fat milk, unflavored ≤ 12 fl oz</p> <p>Nonfat milk, plain or flavored ≤ 12 fl oz</p> <p>Nutritionally equivalent milk alternatives ≤ 12 fl oz</p>	Consistent with USDA Smart Snacks standards
High	<p>Low-fat milk, unflavored ≤ 12 fl oz</p> <p>Nonfat milk, plain or flavored ≤ 12 fl oz</p> <p>Nutritionally equivalent milk alternatives ≤ 12 fl oz</p>	Consistent with USDA Smart Snacks standards
Water		
All grades	<p>Potable water must be available at no charge during meal service where breakfast and lunches are served.</p> <p>There is no ounce restriction on plain water for sale (carbonated or noncarbonated).</p>	<p>Water must be available in vending machines.</p> <p>There is no ounce restriction on plain water for sale, but revenue from the sale of bottled water must accrue to the nonprofit school nutrition account for all sales from 12:01 a.m. through the time the cafeteria closes.</p>
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>	Consistent with USDA Smart Snacks standards
Caffeine		
Elementary	Not allowed	Consistent with USDA Smart Snacks standards
Middle	Not allowed	Consistent with USDA Smart Snacks standards
High	Caffeinated beverages allowed	Consistent with USDA Smart Snacks standards
Artificial sweeteners		
	No standard	Consistent with USDA Smart Snacks standards

Other		
	USDA interim final rule	North Carolina 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>As of July 1, 2014, all fundraisers must meet USDA's Smart Snacks interim final rule; no exemptions will be allowed. Fundraisers may be conducted in a manner consistent with the "Smart Snacks Option" selected by the district (Options 1 through 4). Food- and/or beverage-related fundraisers may not take place from 12:01 a.m. until the cafeteria closes for the day.</p>
Class parties/school celebrations	No standard	The policy for classroom events, celebrations, and parties is determined by the local school wellness policy.
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.	Recommendation to develop and implement local policies that support nutrition standards for competitive foods.
Nutritional analysis of school meals		All SFAs are required to prepare and submit a nutritional analysis of menus for one week during the fall and one week during the spring. The analyses are submitted to the School Nutrition Services section of the state Department of Public Instruction and are used to provide technical assistance and continuing education for SFA personnel on menu planning. They are also used to document ongoing compliance with the meal pattern, dietary standards, and performance-based reimbursement.
Purchasing contracts		Local boards of education shall give preference in purchasing contracts to high-calcium foods and beverages.

Exemptions to food and beverage standards		
	USDA interim final rule	North Carolina 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>	Consistent with USDA Smart Snacks standards
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 nutritive[§] sweetener or fat</p> <p>Seafood with no added fat</p> <p>Combination foods are not exempt and must meet all nutrient standards.</p>	Consistent with USDA Smart Snacks standards
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>	Consistent with USDA Smart Snacks standards
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>	Consistent with USDA Smart Snacks standards

[§] Components of the standards that are considered to be stronger than the USDA standards.

[†] 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

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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).

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<http://childnutrition.ncpublicschools.gov/information-resources/competitive-foods/competitive-foods/ncstatute115c-264-2.pdf>.

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**KIDS' SAFE &
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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.