

Snack Foods and Beverages In Tennessee Schools

A comparison of state policy with USDA's nutrition standards

Public law (Code 49-6-2307), enacted by the Tennessee General Assembly in 2004, required the state Board of Education, in consultation and cooperation with the Department of Education and the Department of Health, to promulgate rules to establish minimum standards for individual food items sold in grades pre-K through 8 (Rule 0520-1-6.04). These standards were amended in 2007 and made effective in March 2008.

Current state rules governing nutrition programs cover grades pre-K through 8, while high schools are governed by federal rules promulgated by the U.S. Department of Agriculture. Tennessee's Department of Education has issued a proposal to replace all state regulations with the federal Smart Snacks in School rule in order to lessen the confusion and create more consistency across grade spans. Since this change has not been finalized, both the Smart Snacks rule and the 2004 state law are highlighted in this document.

Policy Applications		
	USDA interim final rule	Tennessee 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 sets minimum nutrition standards for foods and beverages sold throughout the state, in schools that include students in grades pre-K through 8. High schools are required to follow USDA's Smart Snacks in Schools nutrition standards.
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.	State Board of Education allows local boards of education to adopt more-stringent guidelines.
Definition of "school day"	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	Pre-K-8: The period starting 45 minutes before the official school day begins and continuing until 30 minutes after the end of the school day. High school: The period from 12:01 a.m. until 30 minutes after the end of the instructional day. The extended school day (i.e., after-school activities) is not covered by either policy, grades Pre-K-12.
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 school's property that are accessible to students during the school day, including, but not limited to, school stores, fundraisers, a la carte, vending machines, and snack bars.

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	Tennessee 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>	High school: Consistent with USDA Smart Snacks standards
Calories (per item as packaged or served)	<p>≤ 200 calories for snacks and side dishes</p> <p>≤ 350 calories for entree items</p>	<p>Pre-K-8: No standard; portion size limits below</p> <p>High school: Consistent with USDA Smart Snacks standards</p>
Total fat	≤ 35% of total calories	All grades: ≤ 35% total calories
Saturated fat	≤ 10% of total calories	All grades: ≤ 10% of total calories
Trans fat	Zero grams	<p>Pre-K-8: No standard</p> <p>High school: Consistent with USDA Smart Snacks standards</p>
Sugar (per item as packaged or served)	≤ 35% of weight from total sugars in foods	All grades: ≤ 35% calories of sugar by weight
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>Pre-K-8:</p> <ul style="list-style-type: none"> • ≤230 mg per serving for chips, cereals, crackers, French fries, baked goods, and other snack items • ≤ 480 mg per serving for pastas, meats, and soups • ≤ 600 mg for main dishes <p>High school: Consistent with USDA Smart Snacks standards</p>

Foods		
	USDA interim final rule	Tennessee standards
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>Pre-K-8:</p> <ul style="list-style-type: none"> • Individual food items that are part of a day's reimbursable school lunch or breakfast program may be sold that day a la carte. • The portion size of a la carte entrees and side dishes may not be greater than the size of comparable portions offered as part of school meals. • Portion size maximums for all other a la carte items sold individually: <ul style="list-style-type: none"> • 1.25-oz portion size for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky • 1 oz for cookies • 2 oz for cereal and granola bars, pastries, muffins, doughnuts, bagels, and other bakery items. • 4 fl oz for frozen desserts, including but not limited to low-fat or fat-free ice cream • 1 oz for cheese that is low fat or fat free containing 3.5 g or less of fat • 8-oz maximum portion size for non-frozen yogurt <p>High school: Consistent with USDA Smart Snacks standards</p>

Beverages		
	USDA interim final rule	Tennessee 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.	High school: Consistent with USDA Smart Snacks standards
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	100% fruit/vegetable juice ≤ 8 fl oz
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	100% fruit/vegetable juice ≤ 8 fl oz ¹
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	Consistent with USDA Smart Snacks standards
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	Reduced-fat, low-fat, or nonfat milk, plain or flavored ≤ 8 fl oz
Middle	Low-fat milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 fl oz	Reduced-fat, low-fat, or nonfat milk, plain or flavored ≤ 8 fl oz ¹
High	Low-fat milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 fl oz	Consistent with USDA Smart Snacks standards
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).	All grades: Non-flavored, non-sweetened, and non-carbonated water allowed with no ounce restriction on portion size

Beverages		
	USDA interim final rule	Tennessee 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>Pre-K-8: Low-calorie beverages (includes flavored, sweetened, and non-caffeinated water) that are flavored, non-carbonated beverages, containing no additional caloric sweeteners and ≤ 15 calories per serving allowed.</p> <p>High school: Consistent with USDA Smart Snacks standards</p>
Caffeine		
Elementary	Not allowed	Not allowed
Middle	Not allowed	Not allowed
High	Caffeinated beverages allowed	Consistent with USDA Smart Snacks standards
Artificial sweeteners		
	No standard	No standard

Other		
	USDA interim final rule	Tennessee 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, the state Department of Education has determined that 30 fundraising exemptions will be allowed per site per year. No specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. The school principal is responsible for the oversight and enforcement of this policy.</p>
Class parties/school celebrations	No standard	<p>The policy addresses only foods and beverages sold or offered for sale. Standards do not apply to items offered or provided free of charge.</p>
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.	<p>Each local board of education must develop and implement a wellness policy that meets federal requirements, ensures compliance with state rules, and designates a person responsible for oversight. That person must register with the state Department of Education.</p>

Exemptions to food and beverage standards		
	USDA interim final rule	Tennessee 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>	<p>Pre-K-8:</p> <ul style="list-style-type: none"> Fruits and non-fried vegetables may be sold individually. Fruits and vegetables must be fresh, frozen, canned or dried, and they must be found in the USDA's Food Buying Guide for Child Nutrition Programs. They are exempt from limits on portion size. Snack-type foods made from vegetables or fruits, such as potato chips and banana chips; and condiments, such as pickle relish, jam, jelly, tomato catsup and chili sauce may not be sold as a fruit or vegetable. <p>High school: Consistent with USDA Smart Snacks standards</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 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>	<p>Pre-K-8: Nuts, seeds, and nut butters</p> <p>High school: Consistent with USDA Smart Snacks 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>	<p>High school: Consistent with USDA Smart Snacks 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>	<p>Pre-K-8:</p> <ul style="list-style-type: none"> Fruits Vegetables <p>High school: Consistent with USDA Smart Snacks standards</p>

[†] 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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**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.