

Snack Foods and Beverages In Arkansas Schools

A comparison of state policy with USDA's nutrition standards

Act 1220 of 2003, which was passed by the Arkansas Legislature, created the Child Health Advisory Committee, or CHAC, to address childhood obesity and develop statewide nutrition and physical activity standards. The CHAC meets monthly and makes policy recommendations to the State Board of Education and the State Board of Health. According to Section 6.0 of the Rule Governing the Nutrition and Physical Activity Standards in Arkansas Public Schools, passed by the board of education on Aug. 8, 2005, the state Department of Education is required to issue nutrition standards and a list of allowable foods with maximum portion-size restrictions, as approved by the CHAC each year.

| Policy Applications | | |
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| | USDA interim final rule | Arkansas 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. | The nutrition standards apply to foods and beverages sold or made available to students that compete with the school's operation of the National School Lunch Program, School Breakfast Program, and/or After School Snack Program. These include, but are not limited to, food and beverages sold or provided in vending venues (machines, ice chests, cabinets) in school stores or as part of school fundraisers to students on school premises during the declared school day. ² |
| 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. | The policy does not address preemption. |
| Definition of "school day" | The period from 12:01 a.m. until 30 minutes after the end of the instructional day. | The official schedule as required for students and staff in a specific Local Education Agency, or LEA. This policy does not apply to the extended school day and thus does not cover after-school activities unless they are part of the U.S. Department of Agriculture's After School Snack Program. |
| 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 locations designated with an LEA number (every school in Arkansas is assigned an LEA number by the Arkansas Department of Education). |

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

| Foods | | |
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| | USDA interim final rule | Arkansas 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>Elementary:</p> <p>The Child Nutrition Program may sell only food items in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year. Allowable meal components to be sold individually include fresh fruits, vegetables, and/or other food/beverage items that meet standards of maximum portion size and/or a full extra meal meeting the same requirements of the reimbursable meal. School food service departments may not sell or give extra servings of desserts, french fries, and/or ice cream, even if these items are served as a component of a reimbursable meal.</p> <p>Middle/junior/high school:</p> <p>In middle, junior high, and high schools, the Child Nutrition Program may sell only food items in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year. Allowable meal components to be sold individually include fresh fruits, vegetables, and/or other food/beverage items that meet standards of maximum portion size and/or a full extra meal meeting the same requirements of the reimbursable meal.</p> <p>During the declared school day, at middle, junior high, and high school sites, schools shall not serve, provide access to through direct or indirect sales, or use as a reward any foods of minimal nutritional value, or FMNVs, as defined by USDA, or competitive food to students on school premises until 30 minutes after the last lunch period has ended. This includes FMNV and competitive foods given, sold, or provided by school administrators or 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.</p> <p>Fruits and/or vegetables should be offered daily at all a la carte points of service.</p> <p>A choice of two fruits and/or 100% juice must be offered for sale at the same time and place where competitive foods are sold.</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>No standard. Calories are limited by allowable maximum portion sizes within food categories as noted below.</p> |
| Total fat | <p>≤ 35% of total calories</p> | <p>≤ 23 grams of fat per serving for all foods sold or offered, including a la carte entrees</p> <p>≤ 7.5 grams of fat per oz for baked chips</p> <p>≤ 10 grams of fat per oz for frozen desserts and ice cream and must adhere to federal regulations</p> |

| Foods | | |
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| | USDA interim final rule | Arkansas standards |
| Saturated fat | ≤ 10% of total calories | Must adhere to federal regulations |
| Trans fat | Zero grams | Must adhere to federal regulations |
| Sugar (per item as packaged or served) | ≤ 35% of weight from total sugars in foods | Must adhere to federal regulations |
| 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> | Must adhere to federal regulations |
| 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>Limit single-serving food items to the following portion sizes:</p> <ul style="list-style-type: none"> • 1.5 oz for baked chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, jerky, and pretzels • 1.5 oz for cookies • 2.5 oz for cereal bars • 3 oz for bakery items (e.g., pastries, muffins, doughnuts), excluding items that count as two-bread components served/sold only at breakfast • 4 oz for frozen desserts, ice cream • 8 oz for yogurt • 2.5 oz for fruit snacks fortified with vitamin C <p>Fried potato products: Potato and sweet potato products that are fried, par-fried, or flash fried are limited by portion size and frequency limitations.</p> <ul style="list-style-type: none"> • Fried potato products may be offered only once a week in elementary schools in no more than a 3/4-cup serving. • In middle, junior high, and high schools, there is no weekly limit, but portion size may not exceed 1 cup in middle/junior high and 1.5 cups in high schools. • For middle through high schools, a ratio of 1:6 must be maintained for fried to nonfried menu items. |

| Beverages | | |
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| | USDA interim final rule | Arkansas 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. | At least 50% of beverage selections in vending machines, school stores, and other sales venues shall be 100% fruit juice, low-fat or nonfat milk, and unflavored unsweetened water and must adhere to all federal regulations. |
| 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 | No access to competitive beverages other than those already offered as a component of reimbursable meals ⁷ |
| 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 juices or blends of 100% juices ≤ 12 fl oz |
| 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 | 100% fruit juices or blends of 100% juices ≤ 12 fl oz |
| 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 | Available for sale only during meal periods. Low-fat milk, plain or flavored ≤ 8 fl oz Nonfat milk, plain or flavored ≤ 8 fl oz <ul style="list-style-type: none"> Flavored milk must be fat-free and contain no more than 30 grams total sugar per 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 | Low-fat milk, plain or flavored ≤ 16 fl oz Nonfat milk, plain or flavored ≤ 16 fl oz <ul style="list-style-type: none"> Flavored milk must be fat-free and contain no more than 30 grams total sugar per 8 fl oz |
| High | Low-fat milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 fl oz | Low-fat milk, plain or flavored ≤ 16 fl oz Nonfat milk, plain or flavored ≤ 16 fl oz <ul style="list-style-type: none"> Flavored milk must be fat-free and contain no more than 30 grams total sugar per 8 fl oz |
| 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). | LEAs participating in the NSLP are required to make potable water available to children at no charge in the place where lunch meals are served during meal service. There is no ounce restriction for unflavored, noncarbonated, unsweetened plain water for sale at middle/junior high/high schools. No sales allowed at elementary schools. |

| Beverages | | |
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| | USDA interim final rule | Arkansas 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>Sweetened noncarbonated beverages (inside and outside the cafeteria) ≤ 12 fl oz</p> <p>Sweetened carbonated beverages (outside the cafeteria only) ≤ 12 fl oz</p> <p>All sweetened beverages must contain ≤ 15 grams sugar per 12 fl oz</p> |
| Caffeine | | |
| Elementary | Not allowed | No access to competitive beverages during the school day. |
| Middle | Not allowed | ≤ 55 mg per serving |
| High | Caffeinated beverages allowed | ≤ 55 mg per serving |
| Artificial sweeteners | | |
| | No standard | No standard |

| Other | | |
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| 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>The nutrition standards apply to foods and beverages sold as part of school fundraisers to students on school premises during the declared school day. No sales until 30 minutes after the last lunch period, and no exemptions.</p> <p>No limitation on the sale or distribution of food or beverage through fundraisers by students, teachers, or other groups when the items are sold off the school campus.</p> <p>Recommendation by the CHAC that school organizations use only nonfood or healthy food items in raising funds.*</p> |
| Class parties/school celebrations | No standard | <p>Students may be given any food and/or beverage items during the school day for up to nine 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.*</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. | Recommendation by CHAC that advertising soft drinks within the school be eliminated. |
| 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>Requires each LEA to establish a Local Wellness Policy with:</p> <ul style="list-style-type: none"> • Goals for nutrition education • Goals for physical activity • Nutrition guidelines for all foods available on school campus during the school day • Nutrition guidelines for reimbursable school meals • A plan to measure implementation <p>Each LEA must have a person designated to ensure compliance. Additionally, parents, students, the school food authority, school administration, and the public should be involved in the development of the policy.</p> |

| Exemptions to food and beverage standards | | |
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| | USDA interim final rule | Arkansas 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>Students may be given any food and/or beverage items during the school day for up to nine 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.</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> | |
| 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> | |

^{*} 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

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).

Arkansas Department of Education (2013). "Maximum Portion Size Restrictions for SY 2013-14, Commissioner's Memo FIN-13-073," http://adesharepoint2.arkansas.gov/memos/Lists/Approved%20Memos/DispForm2.aspx?ID=906&Source=http%3A%2F%2Fadesharepoint2.arkansas.gov%2Fmemos%2Fdefault.aspx%3FPaged%3DTRUE%26p_Modified%3D20130716%2013%3a16%3a18%26p_Memo_x0020_Date%3D20130708%2010%3a00%3a00%26p_ID%3D960%26View%3D%7B05646C93-6931-4304-B20D-03A15F54A25E%7D%26PageFirstRow%3D201.

Arkansas Department of Education (2014). "Maximum Portion Size and All Foods Sold on Campus Rules for 2014-15 School Year, Commissioners Memo FIN-14-080," <http://adesharepoint2.arkansas.gov/memos/Lists/Approved%20Memos/DispForm2.aspx?ID=1244&Source=http%3A%2F%2Fadesharepoint2%2Earkansas%2Egov%2Fmemos%2Fdefault%2Easpx>.

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Arkansas Department of Education (2012). "Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools," http://www.arkansased.org/public/userfiles/rules/Current/ade_259_Physical_Activity_and_Nutrition_Standards_Rule_-_February_2012.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.