

Snack Foods and Beverages In Nevada Schools

A comparison of state policy with USDA's nutrition standards

In 2005, the Nevada Board of Education adopted a Statewide School Wellness Policy outlining the requirements for each Local Education Agency to include in local school wellness policies. At a minimum, Local Wellness Policies must include nutrition guidelines for all foods made available to students. In 2007, the Nevada Legislature passed Senate Concurrent Resolution No. 9, urging each public school and each school district to abide by the nutrition standards included in the Statewide School Wellness Policy. In July 2014, the Nevada Statewide School Wellness Policy was updated to reflect the U.S. Department of Agriculture's Smart Snacks interim final rule.

Policy Applications		
	USDA interim final rule	Nevada 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.	Each local education agency, or LEA, is required to establish a local school wellness policy, which, at a minimum, meets all federal and state requirements. As updates are made to federal and/or state policies, LEAs are expected to update their local school wellness policies.
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.	Each LEA is permitted to adopt stricter standards as long as they are not in conflict with the federal or state requirements.
Definition of "school day"	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	The period from 12:01 a.m. until 30 minutes after the end of the instructional day. This policy does not apply to the extended school day, meaning after-school activities are not affected.
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 school jurisdiction that are accessible to students during the school day. This includes, but is not limited to, vending machines, school stores, snack bars, bake sales, and school fundraisers.

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	Nevada 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>All foods and beverages available for sale or given away to students on the school campus during the school day must meet the Smart Snacks nutrition standards. These standards apply to all grade levels.</p> <p>To be allowable, food items must meet all of the below nutrient standards, and at least one of the following criteria:</p> <ul style="list-style-type: none"> Be a grain product that contains at least 50% whole grains by weight or have whole grains listed as the first ingredient; OR Have a fruit, vegetable, dairy, or protein food listed as the first ingredient on the food label; OR Be a combination food that contains at least ¼ cup fruit and/or vegetable; OR Contains at least 10% Daily Value of calcium, potassium, Vitamin D, or dietary fiber (this criterion in effect until June 30, 2016).
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	Consistent with USDA Smart Snacks standards
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>	Consistent with USDA Smart Snacks standards

Beverages		
	USDA interim final rule	Nevada 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.	All food and beverages available for sale or given away to students on the school campus during the school day must meet the USDA Smart Snacks nutrition standards. Allowable beverages vary by grade level and address container size. All beverages sold on campus during the school day must be non-carbonated. There are no time and place restrictions on the sale of beverages meeting the below 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 and/or vegetable juice, 100% juice diluted with water, no added sweeteners, ≤ 8 fl oz per serving
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 and/or vegetable juice, 100% juice diluted with water, no added sweeteners, ≤ 12 fl oz per serving
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 and/or vegetable juice, 100% juice diluted with water, no added sweeteners, ≤ 12 fl oz per serving
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	Unflavored or flavored nonfat milk, or unflavored low-fat milk, ≤ 8 fl oz per serving (this includes nutritionally equivalent milk alternatives, as permitted by the NSLP or SBP)
Middle	Low-fat milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 fl oz	Unflavored or flavored nonfat milk, or unflavored low-fat milk, ≤ 12 fl oz per serving (this includes nutritionally equivalent milk alternatives, as permitted by the NSLP or SBP)
High	Low-fat milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 fl oz	Unflavored or flavored nonfat milk, or unflavored low-fat milk, ≤ 12 fl oz per serving (this includes nutritionally equivalent milk alternatives, as permitted by the NSLP or SBP)
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).	There is no ounce restriction on plain water for sale or made available to students.

Beverages		
	USDA interim final rule	Nevada 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>Other beverages allowed in high schools only:</p> <ul style="list-style-type: none"> • Noncarbonated, calorie-free beverages (≤ 20 fl oz per serving) • Other noncarbonated "calorie-free" beverages (≤ 20 fl oz per serving): ≤ 5 calories per 8 fl oz, or ≤ 10 calories per 20 fl oz • Noncarbonated low-calorie beverages (≤ 12 fl oz per serving): ≤ 60 calories per 12 fl oz, or ≤ 40 calories per 8 fl oz <p>Carbonated beverages may not be sold to, given away, or used as incentives for students during the school day.</p>
Caffeine		
Elementary	Not allowed	Not allowed, with the exception of trace amounts of naturally occurring caffeine substances
Middle	Not allowed	Not allowed, with the exception of trace amounts of naturally occurring caffeine substances
High	Caffeinated beverages allowed	It is recommended that no caffeine be allowed. However, it is permitted at the high school level at the discretion of the school district.
Artificial sweeteners		
	No standard	No standard

Other		
	USDA interim final rule	Nevada 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>All on-campus, school-sponsored fundraisers must comply with USDA's Smart Snacks nutrition standards, with no exemptions allowed.</p> <p>Fundraisers include the sale of items for monetary gain intended for consumption during the school day.</p>
Class parties/school celebrations	No standard	<p>Each school district must establish a policy that outlines which special occasions or holidays and the frequency that food exceeding the nutrition standards may be allowed.</p> <p>School districts are strongly encouraged to utilize forms of incentives or rewards that are not food-based. School districts must address the use of food as an incentive or reward in a local school wellness policy. If allowed, the food awards must be in alignment with the Smart Snacks nutrition standards.</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.	Only marketing of foods and beverages consistent with the Smart Snacks nutrition standards is allowed on the school campus. This includes any advertising and other promotions on the campus during the school day (oral, written, or visual).
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 LEA must establish a local school wellness policy, or LSWP, containing the guidelines above, in addition to goals for nutrition education, physical activity, and other school-based activities designed to promote student wellness.</p> <p>School districts must establish a diverse team of committed school and community stakeholders to assess the district's needs, and to draw up the LSWP. This group must meet, at a minimum, twice a year to review and update the LSWP as needs change, goals are met, new information emerges, and the annual review is completed.</p> <p>Each school district must also establish a LSWP coordinator. This person should be able to fully understand the LSWP requirements and facilitate the policy's development and implementation, and has the authority and responsibility to ensure that each school complies. This person is also responsible for annual reporting to the Nevada Department of Agriculture.</p>
Other		<p>Each LEA must designate at least 15 minutes for students to consume the breakfast meal and at least 20 minutes for the lunch meal.</p> <p>Recess before lunch is recommended, but discretion is left to each school district.</p>

Exemptions to food and beverage standards		
	USDA interim final rule	Nevada 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

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).

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**KIDS' SAFE &
HEALTHFUL
FOODS PROJECT**


Robert Wood Johnson
Foundation

 **THE
PEW**
CHARITABLE TRUSTS

Contact: Michelle Mendes, associate, communications **Email:** mmendes@pewtrusts.org **Project website:** healthyschoolfoodsnow.org

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.