

Snack Foods and Beverages In New Hampshire Schools

A comparison of state policy with USDA's nutrition standards

On Dec. 14, 2011, the state Board of Education adopted changes to the New Hampshire Administrative Rules for Education, Minimum Standards for Public School Approval. Education codes 306.02, 306.04, and 306.11 address food and nutrition services and policies required for foods and beverages distributed and sold outside of the USDA school meal programs. The New Hampshire policy is currently under revision to align state law with the U.S. Department of Agriculture's Smart Snacks interim final rule.

Policy Applications		
	USDA interim final rule	New Hampshire 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.	Local school boards of state public schools are required to adopt and implement policies that include standards for nutrient density, portion size, and nutrition targets for food and beverages sold outside of the National School Lunch and School Breakfast programs for elementary, middle, and high schools. Standards approved for use by the state Department of Education include: <ul style="list-style-type: none"> • USDA HealthierUS Schools Challenge • Institute of Medicine Standards for Foods in Schools • Alliance for a Healthier Generation Competitive Foods Guidelines for K-12 Schools • Massachusetts Nutrition Standards for Competitive Foods and Beverages in Public Schools • The "A-List" from the John Stalker Institute of Food and Nutrition Any local school board may create its own nutrition standards, but it must obtain a waiver from the Department of Education.
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.	Local school boards may adopt stronger standards than the state-approved guidelines.

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

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Definition of "school day"	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	The period while school is in session. This policy does not apply to the extended school day, meaning after-school activities are not covered.
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 on the school campus, including but not limited to vending machines, snack bars, school stores, a la carte, fundraisers, school parties, and any other food and beverage distribution/sales on the school campus.*

Foods		
	USDA interim final rule	New Hampshire 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>	Local policies must include standards for nutrient-dense foods and beverages for elementary, middle, and high schools, including portion sizes that support the framework for healthier food choices in all school environments.
Calories (per item as packaged or served)	<p>≤ 200 calories for snacks and side dishes</p> <p>≤ 350 calories for entree items</p>	No standard
Total fat	≤ 35% of total calories	No standard
Saturated fat	≤ 10% of total calories	No standard
Trans fat	Zero grams	No standard
Sugar (per item as packaged or served)	≤ 35% of weight from total sugars in foods	No standard
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>	No 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>	No standard

Beverages		
	USDA interim final rule	New Hampshire 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.	Local policies must include standards for nutrient-dense foods and beverages for elementary, middle, and high schools, including portion sizes that support the framework for healthier food choices in all school environments.
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 standard
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	No standard
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	No standard
Middle	Low-fat milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 fl oz	No standard
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).	No standard

Beverages		
	USDA interim final rule	New Hampshire 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>	No standard
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	New Hampshire 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>	As of July 1, 2014, all fundraisers will be required to meet USDA's Smart Snacks nutrition standards, with no exemptions allowed.
Class parties/school celebrations	No standard	Schools must select and follow a standard for celebration foods and beverages served throughout the school day.*
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	The local school board must adopt and implement written policies and procedures to support the availability and distribution of foods and beverages that create a healthy environment in all schools throughout the school buildings during the school day.
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.	Local school boards are required to adopt and implement written policies for wellness that supports the availability and distribution of healthy foods and beverages and creates a healthy environment in all schools throughout all school buildings during the school day.

Exemptions to food and beverage standards		
	USDA interim final rule	New Hampshire 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>	No standard
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>	No standard
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>	No standard
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>	No standard

^{*} 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).

New Hampshire Department of Education (2011). "Minimum Standards for Public School Approval," Rule Ed 306.02, 306.04, and 306.11, http://www.gencourt.state.nh.us/rules/state_agencies/ed300.html.

New Hampshire Department of Health and Human Services, JSI Research and Training Institute, and New Hampshire Department of Education (2012). "A Guide to Implementing the New Hampshire Administrative Rules for Education Regarding Food and Nutrition," <http://www.dhhs.nh.gov/dphs/nhp/children/documents/schoolfoodstoolkit.pdf>.

National Association of State Boards of Education. "Competitive Foods in Schools," accessed Aug. 27, 2014, http://www.nasbe.org/healthy_schools/hs/bytopics.php?topicid=3115&catExpand.

School Nutrition Association (2014). "Smart Snacks: State Agency Fundraising Exemptions," http://schoolnutrition.org/uploadedFiles/News_and_Publications/News/SmartSnacksFundraisingExemption.pdf.

**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.