



COMMONWEALTH of VIRGINIA
Department of Education

September 27, 2013

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

SUBJECT: Update on Federal and State Regulations: Nutrition Standards for All Foods Sold in Schools

This memo is to inform school divisions of federal regulations addressing nutrition standards for all foods sold in schools that are effective July 1, 2014, and the Board of Education's regulations currently under review.

The United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) recently issued the interim final rule for the *National School Lunch and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010*. The interim final rule amends the National School Lunch Program (NSLP) and School Breakfast Program (SBP) regulations to establish nutrition standards for all foods sold in schools during the school day on school grounds outside the national school lunch and school breakfast programs. Consequently, this regulation does not affect foods sold under the national school lunch and school breakfast programs. The new standards do not apply to food brought into school in bagged lunches, or for activities such as birthday parties or other celebrations. Foods sold at afterschool events (i.e., sporting events) are not subject to these standards. These federal standards are being called "*The Smart Snacks in School Standards*." This rule balances science-based nutrition guidelines with practical and flexible solutions to promote healthier eating on campus, drawing on recommendations from the Institute of Medicine and existing voluntary standards already implemented by thousands of schools around the country. A summary of these regulations and a questions and answers document are Attachments A and B. The USDA interim rule can be found at <http://www.regulations.gov>. The implementation is July 1, 2014; however, USDA is still accepting public comments until October 28, 2013.

In addition, the Board of Education is in the process of promulgating *Regulations Governing Nutritional Guidelines for Competitive Foods Sold in the Public Schools (8VAC20-740)*, as required by legislation from the 2010 General Assembly. The proposed regulations establish nutritional guidelines for all foods sold to students in the public schools during the regular school day that are not part of the national school lunch or school breakfast programs. These regulations are still under review.

The 2010 legislation established the requirement for the Board to promulgate the regulations by adding Section 22.1-207.4 to the *Code of Virginia* regarding nutritional guidelines for competitive foods. This code section requires the Board of Education, in cooperation with the Department of Health, to promulgate and periodically update regulations setting nutritional guidelines for all competitive foods sold to students during regular school hours that are not part of the federal school lunch or school breakfast programs. Foods sold at afterschool events are not subject to these standards. This section also requires that the state regulations be reviewed upon changes to federal law or regulations for competitive foods. The term "competitive foods" refers to food items served in the school setting outside of planned meals under the federal national school lunch and school breakfast

programs, and which may compete with foods served under these programs. The Board's regulations are required to address calories, fat, sugar, and sodium content, and may address other areas.

The text of the proposed Board regulations is available via the Town Hall Web site at <http://townhall.virginia.gov/L/ViewXML.cfm?textid=7832>. An electronic public comment period is also available at <http://townhall.virginia.gov/L/ViewStage.cfm?stageid=5921> and the general public comment period closes on October 31, 2013. A public hearing on the proposed regulations will be held October 24, 2013, immediately following adjournment of the 9 a.m. Board of Education business meeting. The hearing will be held in the 22nd Floor Conference Room, James Monroe Building, 101 North 14th Street, Richmond, VA.

The Office of School Nutrition programs will provide training on the new state and federal regulations before the effective date of implementation.

If you have any questions or need additional information, please contact Catherine Digilio Grimes, director of school nutrition programs, by e-mail at schoolnutritionprograms@doe.virginia.gov or by telephone at (804) 225-2074.

PIW/CDG/idl

Attachments:

- a. [Summary of USDA Nutrition Standards for All Foods Sold in Schools](#) (PDF)
- b. [USDA Q & A on *Smart Snacks in Schools*](#) (PDF)