

Snack Foods and Beverages In Kansas Schools

A comparison of state policy with USDA's nutrition standards

Senate Bill 154, passed in 2005, required the Kansas State Board of Education to develop nutrition guidelines for food and beverages made available to students in Kansas public schools during the school day. This bill was written into law as Kansas Statute 72-5128; as a result, the Kansas School Wellness Policy Model Guidelines were developed. The Board of Education approved updated guidelines on June 10, 2014. Schools may choose to adhere to basic, advanced or exemplary requirements and are required to annually report progress toward meeting the Kansas Model Guidelines.

Policy Applications		
	USDA interim final rule	Kansas 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 voluntary policy applies to food and beverages sold and served in elementary, middle, and high schools statewide. State law requires that each local school board consider these guidelines when developing local wellness policies, but school districts are not required to implement them. At a minimum, food and beverages sold in schools must be in compliance with the U.S. Department of Agriculture's Smart Snacks in School nutrition standards from 12:01 a.m. until 30 minutes after the end of the official school day.
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.	No standard
Definition of "school day"	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	Consistent with USDA Smart Snacks standards. This policy does have components that apply to the extended school day, meaning after-school activities and programs may need to consider these standards.
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.	Standards apply to a la carte, vending machines and school stores, classroom parties, rewards, fundraisers, and after-school programs.

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	Kansas 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>Food sold in schools must be in compliance with the USDA Smart Snacks standards during the school day. Any food items meeting those standards may be sold at any place or time before, during, or after school.</p> <p>At the exemplary level, all food sold to students must meet the Smart Snacks standards 24 hours a day.</p>
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	Kansas 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.	<p>Beverages sold in schools must be in compliance with the USDA's Smart Snacks standards during the school day.</p> <p>At the exemplary level:</p> <ul style="list-style-type: none"> All beverages sold to students must meet the standards 24 hours a day; and Smart Snacks beverage standards for middle schools also apply to high schools.
Juice		
Elementary	<p>100% fruit/vegetable juice ≤ 8 fl oz</p> <p>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 8 fl oz</p>	Beverages that meet the Smart Snacks standards may be sold at any time.
Middle	<p>100% fruit/vegetable juice ≤ 12 fl oz</p> <p>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz</p>	Beverages that meet the Smart Snacks standards may be sold at any time.
High	<p>100% fruit/vegetable juice ≤ 12 fl oz</p> <p>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz</p>	<p>Beverages that meet the Smart Snacks standards may be sold at any time.</p> <p>At the exemplary level, beverage standards for middle schools also apply to high schools.</p>
Milk and milk alternatives		
Elementary	<p>Low-fat milk, unflavored ≤ 8 fl oz</p> <p>Nonfat milk, plain or flavored ≤ 8 fl oz</p> <p>Nutritionally equivalent milk alternatives ≤ 8 fl oz</p>	Beverages that meet the Smart Snacks standards may be sold at any time.
Middle	<p>Low-fat milk, unflavored ≤ 12 fl oz</p> <p>Nonfat milk, plain or flavored ≤ 12 fl oz</p> <p>Nutritionally equivalent milk alternatives ≤ 12 fl oz</p>	Beverages that meet the Smart Snacks standards may be sold at any time.
High	<p>Low-fat milk, unflavored ≤ 12 fl oz</p> <p>Nonfat milk, plain or flavored ≤ 12 fl oz</p> <p>Nutritionally equivalent milk alternatives ≤ 12 fl oz</p>	<p>Beverages that meet the Smart Snacks standards may be sold at any time.</p> <p>At the exemplary level, beverage standards for middle schools also apply to high schools.</p>
Water		
All grades	<p>Potable water must be available at no charge during meal service where breakfast and lunches are served.</p> <p>There is no ounce restriction on plain water for sale (carbonated or noncarbonated).</p>	<p>Beverages that meet the Smart Snacks standards may be sold at any time.</p> <p>At the exemplary level, students have clear, translucent individual water bottles in the classroom.</p>

Beverages		
	USDA interim final rule	Kansas 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>	Beverages that meet the Smart Snacks standards may be sold at any time.
Caffeine		
Elementary	Not allowed	None of the beverages allowed contain caffeine.
Middle	Not allowed	None of the beverages allowed contain caffeine.
High	Caffeinated beverages allowed	At the exemplary level, Smart Snacks beverage standards for middle schools apply to high schools.*
Artificial sweeteners		
	No standard	No standard

Other		
	USDA interim final rule	Kansas 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, each school organization may hold one exempt fundraiser per semester in which the items sold on campus during the school day need not meet USDA's Smart Snacks nutrition standards. An organization is defined as a school group that is approved by the local board of education. Length of the organization's exempt fundraiser cannot exceed two days.</p> <p>At the exemplary level:</p> <ul style="list-style-type: none"> • There are no exempt fundraisers. • Fundraising must support messaging about nutrition, nutrition education, and physical activity.
Class parties/school celebrations	No standard	<p>At the exemplary level:</p> <ul style="list-style-type: none"> • Food and beverages brought in or provided for classroom parties and celebrations must meet USDA's Smart Snacks nutrition standards.' • Food and beverages provided for students participating in school events must meet the Smart Snacks standards.' • Food may not be used as a reward.'
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.	<p>Schools are not required to allow food or beverage marketing on campus. If they do so, they may allow only the marketing (oral, written, or graphics) of those foods and beverages sold on the school campus during the school day that meet the requirements set forth in the Smart Snacks rules.</p> <p>At the exemplary level, this would apply 24 hours a day.</p>
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.	All Kansas sponsors of the National School Lunch Program are required to have a Local Wellness Policy.

Exemptions to food and beverage standards		
	USDA interim final rule	Kansas 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).

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Kansas Legislature (2013). Kansas Statute 72-5128, http://www.kslegislature.org/li/b2013_14/statute/072_000_0000_chapter/072_051_0000_article/072_051_0028_section/072_051_0028_k/.

Kansas State Board of Education (2010). "Kansas School Wellness Policy Model Guidelines," http://www.kn-eat.org/SNP/SNP_Docs/SNP_Guidance/Wellness_Policies/Wellness_Policy_Guidelines_Booklet_V10.pdf.

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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.