

INFORMATION ITEM

MEMORANDUM

September 2, 2009

TO: Principals

FROM: Academic Services

SUBJECT: **STATE NUTRITION POLICY FOR SCHOOLS**

CONTACT: Brian Giles, Food Service, 713-491-5853

The Texas Department of Agriculture has updated the Texas Public School Nutrition Policy. All Texas public schools participating in the federal child nutrition programs (National School Lunch Program, School Breakfast Program and the After School Snack Program) must comply with the nutrition policies outlined below beginning on August 1, 2009. These policies are intended to supplement federal policies defined by the U. S. Department of Agriculture's Food and Nutrition Services. As a result of local nutrition and wellness policies, school districts may have stricter nutrition guidelines.

FOODS OF MINIMAL NUTRITIONAL VALUE

All schools may not serve or provide access for students to Foods of Minimal Nutritional Value (FMNV) and all other forms of candy at any time anywhere on school premises until the end of the last scheduled class. Such foods and beverages may not be sold or given away to students on school premises by school administrators or staff (principals, coaches, teachers, etc.), students or student groups, parents or parent groups, guest speakers or any other person, company or organization. See listing of FMNV below:

A. Restricted Foods

Foods and beverages that are restricted are classified in the following four categories:

- 1. Soda Water:** Any carbonated beverage. No product shall be excluded from this definition because it contains discrete nutrients added to the food such as vitamins, minerals and protein.
- 2. Water Ices:** Any frozen, sweetened water such as "...sicles" and flavored ice with the exception of products that contain fruit or fruit juice.
- 3. Chewing Gum:** Any flavored products from natural or synthetic gums and other ingredients that form an insoluble mass for chewing.
- 4. Certain Candies:** Any processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients that characterize the following types:

a) Hard Candy: A product made predominantly from sugar (sucrose) and corn syrup that may be flavored and colored, is characterized by a hard, brittle texture and includes such items as sour balls, lollipops, fruit balls, candy sticks, starlight mints, after dinner mints, jaw breakers, sugar wafers, rock candy, cinnamon candies, breath mints and cough drops.

b) Jellies and Gums: A mixture of carbohydrates that are combined to form a stable gelatinous system of jellylike character and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices.

c) Marshmallow Candies: An aerated confection composed of sugar, corn syrup, invert sugar, 20 percent water, and gelatin or egg white to which flavors and colors may be added.

d) Fondant: A product consisting of microscopic-sized sugar crystals that are separated by a thin film of sugar and/or invert sugar in solution such as candy corn or soft mints.

e) Licorice: A product made predominantly from sugar and corn syrup that is flavored with an extract made from the licorice root.

f) Spun Candy: A product that is made from sugar that has been boiled at high temperature and spun at a high speed in a special machine.

g) Candy Coated Popcorn: Popcorn that is coated with a mixture made predominantly from sugar and corn syrup.

B. FMNV and Policy Exemptions

- 1. School Nurses:** This policy does not apply to school nurses using FMNVs during the course of providing health care to individual students.
- 2. Accommodating Students with Special Needs:** Special Needs Students whose individualized Education Program (IEP) plan indicates the use of an FMNV or candy for behavior modification (or other suitable need) may be given FMNV or candy items.
- 3. School Events:** Students may be given FMNV, candy items or other restricted foods during the school day for up to three different events each school year to be determined by campus. The exempted events must be approved by a school official. During these events, FMNV may not be given during meal times in the areas where school meals are being served or consumed, and regular meal service (breakfast and lunch) must continue to be available to all students in accordance with federal regulations.
- 4. TAKS Test Days:** Schools and parents may provide one additional **nutritious** snack per day for students taking the TAKS tests. The snack must comply with the fat and sugar limits of the Public School Nutrition Policy and may not contain any FMNV or consist of candy, chips or dessert type items (cookies, cakes, cupcakes, pudding, ice cream or frozen desserts, etc.). Packaged snacks must be in single size.

A full text of the Texas Public School Nutrition Policy may be obtained at www.squaremeals.org. Any questions or concerns regarding the policy may be directed to:

Texas Department of Agriculture
Food and Nutrition Division
P.O. Box 12847, Austin, Texas 78711
1-888-TEX KIDS
or
Squaremeals@agr.state.tx.us

TG/BG/cab

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