

What foods are authorized to be served to elementary students during classroom birthday parties?

The TPSNP Clarifications explicitly state, "Foods otherwise restricted by the policy are permitted in classroom student birthday parties." TDA recommends that parties be held after the class' lunch period so the party does not spoil the students' appetite for a nutritious meal.

What impact does "Lauren's Law" have on the TPSNP in general and on birthday parties specifically?

"Lauren's Law" does not conflict with the TPSNP. It confirms TPSNP provisions that parents or grandparents may bring any food they want for their child's classroom birthday party. "Lauren's Law" does not supersede TPSNP "Event Day" provisions, which limits such days to three per year; if a school permits restricted food at more than three school events per year, TDA will not reimburse the school for meals served for any days in excess of the three days permitted under the TPSNP.

Are birthday parties allowed in the cafeteria during mealtimes?

Only if the school allows birthday parties, and that competitive food, FMNV or candy type items are not provided.

May schools (at any grade level) allow access to FMNV any time during the school day?

No. Elementary, middle/junior high and high schools may not allow access to FMNV at any time or anywhere on school premises until after the end of the last scheduled class.

What are the rules for the instructional use of food?

Students may consume foods prepared in class for instructional purposes as long as they are not FMNV. Teachers may also use foods not prepared in class for instructional purposes as long as they are not FMNV or consist of candy type items. The TPSNP states these situations should be on an occasional basis, and food may not be provided or sold to other students or classes.

What qualifies as a class or school cultural heritage or enrichment event that is exempt from the policy?

It must be officially scheduled and a part of the written curriculum and included with activities other than eating that go beyond routine teaching activities. Because each situation is a special case, TDA relies on education professionals to make good faith decisions that will support the intent of the TPSNP.

Must foods that are brought in during authorized exempt situations, i.e., birthdays, event days and cultural heritage events, be pre-packaged?

The TPSNP does not address whether foods that are provided to students during authorized exempt events should be prepackaged or not. Individual schools and/or districts are authorized to establish their own local policies (within the parameters of the TPSNP) concerning what foods may or may not be allowed, and/or what form they may be in.

Do the TPSNP provisions concerning fat content; sugar content and portion size under Nutrition Standards apply to foods provided to children in situations that fit under the policy's "FMNV and Policy Exemptions" provisions?

Yes. During TAKS test days, the additional snack per day for students taking the TAKS test must comply with the portion and nutrient guidelines chart of the TPSNP, and may not contain any FMNV or consist of candy, chips or dessert type items. All other events that qualify as authorized exemptions under "FMNV and Policy Exemptions" are exempt for all other policy provisions. However, we would encourage educators to consider themselves stewards of their students' health and to consider the nutritional consequences of any food they provide students at any time.

What does the Portion and Nutrient Guidelines Chart of the TPSNP apply to?

The portion and nutrient guidelines chart (TPSNP - B. 2. a) applies to all campus levels, and to all individual food and beverage items (ex: a la carte, snack bar, vending and all other points of service) sold or made available to students on school campuses. It does not apply to items served as part of a reimbursable meal, which by definition already meets federal nutrition requirements.

Is there a list of "nutritious snacks" that elementary teachers are authorized to provide to their students?

TDA has produced, posted on the squaremeals.org Web site and widely distributed its brochure, "[Suggestions for Nutritious Snacks](#)," but it is not intended to be a comprehensive list. TDA has not specified what qualifies as a nutritious snack other than that it must meet the Nutrition Standards specified in the TPSNP. Generally, a snack would be considered nutritious if it is less than 200 calories, is less than 30 percent fat, is high in protein and is high in vitamins and minerals.

When the TPSNP "recommends" that birthday parties be conducted after lunch, does that mean that every class must have finished their lunch period first, or just the class celebrating the birthday?

Just the class that is celebrating the birthday.

May the students who do not participate in the after school snack have access to prohibited foods?

Restricted foods may not be served or sold in areas where reimbursable meals are being served and/or consumed as part of the After School Snack Program. However, restricted foods would be permitted in other areas of the school campus for students not enrolled in the After School Snack Program, after the end of the last scheduled class of the school day.

When the school child nutrition department operates vending machines, must all the funds go into the child nutrition accounts?

No. The child nutrition department may choose to share those proceeds with schools. However, all funds must go through food service first, and then funds can be distributed to other areas. Also, contracts must be competitively bid and awarded, and separate accounts must be established for funds that are divided between child nutrition and other budget entities. Vending machine operations may not negatively affect the child nutrition department budget, and must be operated in accordance with USDA and TDA policies on vending machines.

Must the school child nutrition department execute and maintain the vending contract or just administer the vending operation for it to qualify as a child nutrition department operation?

The child nutrition department must execute and maintain the contracts, not merely operate the service for another entity.

May middle or high schools sell sparkling water, diet soda, and/or calorie-free soda?

No, carbonated beverages may not be sold or made available to students until the end of the last scheduled class. While some carbonated beverages have been placed on USDA's FMNV Exemption List, these products are not equally exempt from the TPSNP. For additional information please see the Policy Clarification section of this Web site, available at:

www.squaremeals.org/fn/render/channel/items/0,1249,2348_2351_0_0,00.html

Must a la carte items sold through snack bars, school stores and vending machines meet policy requirements?

Yes, they must comply with the grade-appropriate nutrition standards as listed in the policy.

My district provides a snack at a minimum cost. Am I required to provide the same snack at no cost?

The policy provision allowing a nutritious snack in elementary classrooms should not be interpreted as a requirement for schools to provide a free snack for students. The provision was intended only to allow a nutrition break for younger students. If the teacher, parents or other groups provide the snack there should be no charge. If the school food service provides the snacks we encourage them to be at no cost to the students, but a small fee to cover costs is permissible.

Who may sell water, milk and juice to students during the school day?

The intent of the policy is to encourage the availability of plain bottled water and 100 percent fruit and vegetable juice at any time anywhere on campus. There is no portion size or serving time restriction on non-carbonated, unflavored, bottled water at any school level. There is no restriction on serving time and location for 100 percent fruit and vegetable juice; however, the portion and sugar restrictions for 100 percent fruit and vegetable juice in the TPNSP must be followed for the appropriate grade levels. It is permissible for the school food service, school or school-supported organizations to sell plain bottled water and 100 percent fruit and vegetable juices that comply with the TPSNP portion and sugar restrictions for the appropriate grade levels, in vending machines or through other means throughout the school day on all campuses. Milk may also be sold, but must also follow the portion and sugar restrictions of the TPSNP for milk.