



STATE OF NEW MEXICO
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HANNA SKANDERA
SECRETARY OF EDUCATION

SUSANA MARTINEZ
GOVERNOR

June 12, 2014

MEMORANDUM

TO: Superintendents
Charter School Administrators

FR: Michael Chavez, Assistant Director, Coordinated School Health and Wellness Bureau

RE: **Smart Snacks Nutrition Standards and Fundraisers**

On July 1, 2014 the Smart Snacks Nutrition Standards will go into effect. The regulations place certain limits on the sale of foods and beverages to students during the school day. Please see http://www.fns.usda.gov/sites/default/files/allfoods_fundraisers.pdf for additional guidance from the USDA.

The Smart Snacks Nutrition Standards do not limit the number of fundraisers selling foods or beverages that meet the new nutritional standards. In other words, schools can hold as many fundraisers that sell foods and beverages, during the school day, that meet the Smart Snack Nutrition Standards. However, the regulation also provides special exemptions for infrequent school sponsored fundraisers during which foods and beverages that do not meet the new nutritional standards may be sold. The State is required to set an upper limit on the number of such fundraisers. See <http://www.fns.usda.gov/sites/default/files/SP36-2014os.pdf>. The State is in the process of promulgating rules to set the upper limit on the number of exempt fundraisers, and the Competitive Food Sales rule at 6.12.5 of the New Mexico Administrative Code is being revised to meet the new federal regulations. The State will propose a limit of one exempt fundraiser per semester per school. When the Notice of Proposed Rule Making is completed and the draft rule is available the proposed rule will be sent to school districts and various stakeholder groups for public comment and input. *Smart Snacks in School* only applies to foods and beverages sold to students on the school campus during the school day. The nutrition standards do not apply to foods and beverages sold at events held after school, off campus, or on weekends, such as school plays or sporting events.

Information from the USDA on the implementation and guidance on Smart Snacks Nutritional Standards may be found at <http://www.fns.usda.gov/school-meals/smart-snacks-school>. If you have any questions regarding the implementation of the Smart Snacks Nutritional Standards, please contact Donia Intriere at 505-827-1821. As always we appreciate your hard work, and look forward to continuing to work together with you to ensure all children in New Mexico have access to healthy, nutritious meals and snacks at school.

cc: Hanna Skandera, Secretary of Education
Hipolito "Paul" Aguilar, Deputy Secretary, Finance and Operations
Denise Koscielniak, Director, Federal Programs
Dean Hopper, Director, Coordinated School Health and Wellness
School Food Authority Directors