



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

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GOVERNOR

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STATE SUPERINTENDENT

FOOD SERVICE

**ADMINISTRATIVE MEMO NO. 4
SCHOOL YEAR 2022-2023**

SUBJECT: Non-Compliant Food Fundraiser Guidance

DATE: November 30, 2022 (Re-issue of June 24, 2015, Administrative Policy No. 21)

The United States Department of Agriculture (USDA) requires School Food Authorities (SFAs) participating in the National School Lunch Program (NSLP) to follow nutrition standards for all foods sold to students during the school day outside of federal meal programs intended for immediate consumption, also called "competitive foods." Competitive foods include food and beverage items sold:

- as a la carte in the School Nutrition Programs
- in school stores, snack shops or vending machines and
- as fundraisers for school related organizations.

The USDA issued *Smart Snacks in Schools* standards for all competitive food sales. The *Smart Snacks in Schools* standards also permit each state to set a fixed number of *exemptions* for non-compliant food fundraisers.

As a result, the State of Michigan enacted Public Act 42 (PA 42) which states, "the department shall ensure that this upper limit is not less than two fundraising activities per week. For the purposes of this upper limit, an ongoing fundraising activity that is scheduled to take place at more than one time during a school day or throughout the school day shall be considered to be a single fundraising activity."

This memo is intended to provide clarification and guidance for *Smart Snacks in Schools* exempt fundraisers.

What do I need to know about exempt fundraising?

The Michigan Department of Education (MDE) will allow up to two food or beverage-based fundraising activities per week that do not meet the USDA *Smart Snacks in Schools* standards. The two exempt fundraisers are optional and chosen at the local level by each school building.

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wishing to allow exempt food fundraising activities in their buildings, or at least not as often, have the option of implementing this within their own LWP. MDE recommends that the LWP team work closely with building administrators to ensure compliance and proper tracking of the food fundraiser exemptions.

What documentation is required for tracking exempt fundraising?

MDE requires each school building to track its own exemption approvals and ensure that only the allowable number of exemptions are granted. These entities are also required to ensure that all other competitive foods and beverages sold to students during the school day meet the Smart Snacks standards.

How does MDE monitor compliance with Smart Snacks in Schools standards?

Compliance with *Smart Snacks in Schools* standards, including compliance with Michigan PA 42, will be monitored during Administrative Reviews of School Nutrition Programs. Based on these reviews, technical assistance will be provided to districts and/or schools and corrective action will be prescribed, as appropriate, in relation to compliance with *Smart Snacks in Schools* standards and the allowable Michigan exemptions. Noncompliance found during an Administrative Review of School Nutrition Programs will result in required corrective action and possibly may result in fiscal action, if approved by USDA.

More information on *Smart Snacks in Schools* standards is available from the Michigan Smart Snacks website at [Smart Snacks in Schools](#) and the USDA Smart Snacks website at [USDA Smart Snacks](#).

More information on LWP requirements is available on the [Michigan LWP Website](#) and the USDA LWP website at [USDA LWP Website](#).

Questions regarding this Administrative Memo may be directed to the School Nutrition Programs unit by e-mail to MDE-SchoolNutrition@michigan.gov.