FOODS OF MINIMAL NUTRITIONAL VALUE (FMNV)

Federal regulations prohibit the sale of certain foods, determined to be of minimal nutritional value, in the foodservice area during meal periods.

Restricted Foods

Foods and beverages that are restricted from sale to students are classified in the following four categories:

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.

Water Ices: Any frozen, sweetened water such as “...sicles” and flavored ice with the exception of products that contain fruit or fruit juice.

Chewing Gum: Any flavored products from natural or synthetic gums and other ingredients that form an insoluble mass for chewing.

Certain Candies: Any processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients that characterize the following types:

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.

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.

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.

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.

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

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.

Candy Coated Popcorn: Popcorn that is coated with a mixture made predominantly from sugar and corn syrup.
Note: USDA has approved exceptions for certain products included in the above categories. Food items listed in the exemption list must meet TPSNP guidelines when being provided to students.

**FMNV and Policy Exemptions**

**School Nurses:** This policy does not apply to school nurses using FMNVs during the course of providing health care to individual students.

**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.

**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.

**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 servings.

**Instructional Use of Food in Classroom:** For instructional purposes, teachers may use foods as long as the food items are not considered FMNV or candy. Students may consume food prepared in class for instructional purposes. However, this should be on an occasional basis, and food may not be provided or sold to other students or classes. Food provided for students as part of a class or school cultural heritage event for instructional or enrichment purposes would be exempt from the policy. However, FMNV may not be served during meal periods 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.

**Field Trips:** School-approved field trips are exempt from the nutrition policy. A school official must approve the dates and purposes of the field trips in advance.

**Athletic, UIL, Band and Other Competitions:** The nutrition policy does not apply to students who leave campus to travel to athletic, UIL, band or other competitions. The school day is considered to have ended for these students. School activities, athletic functions, etc. that occur after the normal school day are not covered by the policy.

This policy does not restrict what parents may provide for their own child’s lunch or snacks. Parents may provide FMNV or candy items for their own child’s consumption, but they may not
provide restricted items to other children at school. A school may adopt a more restrictive rule, however, as local policy.

HEALTHY NUTRITION ENVIRONMENT

All school cafeterias and dining areas should be healthy nutrition environments. Texas public schools participating in federal child nutrition programs should ensure that all students have daily access to school meals (breakfast and lunch). Schools should not establish policies, class schedules, bus schedules or other barriers that directly or indirectly restrict meal access.

Adequate time should be allowed for students to receive and consume meals, and cafeterias should provide a pleasant dining environment. The minimum recommended eating time for each student after being served is at least 10 minutes for breakfast and 20 minutes for lunch.

We encourage all school districts to adhere closely to the coordinated school health and physical activity components of the Texas Education Code. It is strongly recommended that PE or recess should be scheduled before lunch whenever possible.

COMPLIANCE AND PENALTIES

The Texas Department of Agriculture (TDA) administers the National School Lunch Program, School Breakfast Program and After School Snack Program through its Food and Nutrition Division. Responsibilities include processing claims for reimbursement, providing special marketing projects and procurement assistance to promote more nutritious eating habits, conducting on-site compliance monitoring, and coordinating training through the 20 regional Education Service Centers.

TDA will aggressively enforce and diligently monitor the Texas School Nutrition Policy to ensure compliance. When violations of this policy are noted, TDA will disallow all meal reimbursement for the week when the violation occurred and require the school to reimburse the food service account for the lost reimbursement. In appropriate cases, TDA compliance monitors will interview school staff and collect any evidence that is needed to determine the longevity and severity of the TPSNP violation. Based on the evidence collected, TDA may impose additional sanctions on the school or school district, including disallowance of all meal reimbursements for the three weeks immediately preceding the week of the TPSNP violation. In all cases, a documented corrective action plan will be required and will be monitored diligently to ensure continued compliance.

FOODS OF MINIMAL NUTRITIONAL VALUE EXEMPTIONS

The U.S. Department of Agriculture has exempted several products from the category of Foods of Minimal Nutritional Value. However, the food items listed in the exemption list must still meet TPSNP guidelines when provided to students. These products are not approved or endorsed by the U.S. Department of Agriculture nor do they indicate they have significant nutritional value. In addition, this exemption should not be perceived as encouragement to purchase these
products.

The exemption of one product does not extend to similar products or a family of products. School district personnel should check the ingredient statement of each exempted food on the list to differentiate between exempted products and similar non-exempted products.

Note: This list is current as of July 2006. USDA revises it often, so check the Web site at www.squaremeals.org for the most recent version.