

**State Public School Nutrition Policy Update – Cupcakes  
November 17, 2009**

The Texas Department of Agriculture has established the enclosed policy for allowing cupcakes at our schools, and asked all of our schools to comply with the policy and any exemptions to the policy.

**Elementary Schools can no longer allow cupcakes in the Cafeteria for birthday parties. Refer to Texas Administrative Code, Item number “(8) In-classroom birthday parties.”**

<b>TITLE 4</b>	<b>Agriculture</b>
<b>PART 1</b>	<b>Texas Department of Agriculture</b>
<b>CHAPTER 26</b>	<b>Food and Nutrition Division</b>
<b>SUBCHAPTER A</b>	<b>Texas Public School Nutrition Policy</b>
<b>RULE §26.7</b>	<b>Exemptions to the Policy</b>

**(8) In-classroom birthday parties.**

**(A) Parents or grandparents of a student may bring food items that may be otherwise restricted by this subchapter for an in classroom birthday party on the occasion of the child's birthday. However, the birthday parties must be held after the class' lunch period so as not to spoil the children's appetite for a nutritious meal.**

**Fort Bend ISD Child Nutrition Q&A**

**Question: Can I still bring cupcakes to my child's school, if the campus does not allow birthday parties in the classroom?**

**Answer:** If a campus currently does not allow/permit birthday parties in the classroom, then food items would be restricted from the school premises.

**Question: I went to the Texas Department of Agriculture web site and one of the answers to “Frequently Asked Questions” dated September 24, 2009, states that birthday parties in the cafeteria are allowable. Why can't I bring cupcakes to the cafeteria to celebrate my child's birthday?**

**Answer:** Elementary schools can no longer allow cupcakes in the cafeteria for birthday parties. Parents or grandparents of a student may bring food items that may be otherwise restricted by the Texas Public School Nutrition Policy (such as cupcakes) for a classroom birthday party. The birthday parties must be held in the classroom after the class' lunch period.