



Smart Snacks in School

Frequently Asked Questions

Overview

1. What is the background of the Nutrition Standards for All Foods Sold in School Final Rule, also known as Smart Snacks in School (SSIS)?

A: The Healthy Hunger-Free Kids Act required USDA to establish nutrition standards for all foods and beverages sold in school beyond the Federal Child Nutrition Programs in school. The nutrition standards apply to all food and beverages, other than reimbursable meals, available for sale to students on the school campus during the school day.

2. What are competitive foods?

A: All food and beverages sold to students on the school campus during the school day, other than those meals reimbursable under programs authorized by the National School Lunch Act and the Child Nutrition Act of 1966.

3. Where do the standards apply?

A: School campus is all areas of the property under the jurisdiction of the school that are accessible to students during the school day. This includes food and beverages sold a la carte in the cafeteria, in school stores, snack bars, vending machines, fundraising and other venues throughout the school campus.

4. When do the standards apply?

A: School day is the period from the midnight before, to 30 minutes after the end of the official school day.

Applicability of the Smart Snacks Standards

5. Our district/school has stricter standards than the Smart Snacks in School regulations, will we be required to loosen our standards?

A: No, federal Smart Snacks standards are minimum standards. Districts/schools that have more strict standards may continue to enforce those standards.

Bake Sales

6. Can we still have baked product bake sales?

A: Schools may sell ANY food or beverage that meets the regulations at any time; however, a district/school DOES have the option to make stricter regulations than the federal standards. A student organization could choose to use one of its exempted fundraisers to sponsor a bake sale and sell food that does not meet the regulations; however, these items could not be sold in the food service area during meal service.

Classroom Parties, Special Events

7. Are classroom parties and rewards affected by the rule?

A: No, the Smart Snacks Nutrition Standards only affect foods SOLD to students during the school day on the school campus.

**8. Are students no longer allowed to have treats for birthdays and other special events?**

A: Foods given to students to celebrate special occasions do not have to comply. Only foods and beverages sold to students are required to meet the standards.

9. A PTO or teacher collects money from students at the beginning of the year to cover costs of foods provided to students during classroom parties throughout the year or a fee is collected from students prior to a classroom party. Would this be considered “sales” to students and would Smart Snacks standards apply?

A: Classroom parties and celebrations where students or teachers supply the food or provide funds to purchase the food are not subject to the Smart Snacks standards. Instead, such parties are subject to the local wellness policy, and should comply with the standards of that policy.

10. If the school food service sells food items to the school for a special event, such as a school celebration, holiday party, etc., which will not be sold to students, will the Smart Snacks nutrition requirements apply?

A: The Smart Snacks nutrition standards included in the final rule apply only to food sold to students on the school campus during the school day. If such foods are provided to the students free of any charge or “contribution,” or the exchange of tokens or tickets of any sort, the competitive foods standards do not apply.

Concession Stands**11. Does this rule affect the concession stand at athletic events?**

A: It depends. If concession stands are open during the school day, then yes, foods and beverages sold would need to meet the standards unless the organization was using an exempted fundraiser allowed per the final rule. Concession stands open 30 minutes after the school day are NOT affected by the standards.

Culinary & Other Education Programs**12. Do culinary education classes that charge lab fees to participate have to meet the nutrition standards for foods prepared?**

A: No, this is part of the curriculum, and the Smart Snacks rule does not apply.

13. Do foods sold as part of classroom learning have to meet the Smart Snacks Standards? Example: Food prepared and sold by Culinary, Business or Special Education Programs, etc.

A: The nutrition standards apply to all foods sold to students on the school campus during the school day, including food prepared and sold by culinary or special education programs. Foods can still be sold to adults or outside community organizations/businesses at any time. Culinary Education Programs can choose to increase their sales of foods that meet the Smart Snacks standards, which may require recipe adaptations or even simple adjustments to portion sizes offered.

End of the School Day**14. If school is let out early does the smart snacks 30 minutes requirement fall 30 minutes after that unusual schedule, or is it always based on the “regular” school day?**

A: If the school is released early, the 30-minute requirement begins at the time that school is dismissed that day.



15. If there is an '8th hour' which includes special classes for some students; does the 30 minutes after the bell include this hour or just the traditional school day?

A: The rule states instructional day which would be considered the traditional school day. This "8th hour" is after the instructional day and is more of an after-school activity, so the 30-minutes would start after the traditional school day ended.

Foods Sold in the Classroom(s)

16. If food is sold in a classroom, is it subject to the Smart Snacks rule?

A: All food sold to students anywhere on the campus during the school day is subject to the Smart Snacks regulatory requirements. The Smart Snacks standards do not apply to food given to students without the exchange of currency/purchased tokens/purchased tickets or to food brought to school by the students for their own consumption.

Items from Home and/or Deliveries

17. Are students prohibited from bringing non-compliant foods to school?

A: Foods and beverages brought from home are not required to meet Smart Snacks standards. A school can choose to implement stricter standards if they choose.

18. If a sponsor has an open campus and allows for ordering and delivery of foods (such as pizza delivery), is this practice allowable based on the Smart Snacks Rule?

A: If the school allows students to order food and have it delivered or if a school is an open campus and students bring food back on campus to consume, Smart Snacks standards do not apply to those foods.

Snacks Fees, Afterschool Snack Programs

19. Parents pay the school a fee for daily snacks to be provided to their student(s). Do these snacks have to meet SSIS requirements?

A: Since the snack is being purchased by parents and then provided to students regularly during the school day, the snack(s) would need to meet the SSIS standards. The intent of SSIS is to provide healthy choices for students. As long as the Sponsor is charging the students for snacks, the SSIS standards would apply to the Sponsor.

20. Do snacks served as part of the Afterschool Snack Program need to meet the Smart Snack Standards?

A: No, schools will continue to serve snacks under the Afterschool Snack Program guidelines.

Vending Machines

21. Can our school have a vending machine that sells items that do NOT meet the Smart Snacks standards in the faculty workroom?

A: As long as the faculty workroom is not accessible to students, the vending machine does not have to follow the Smart Snacks Rule.



Fundraising

22. What is considered a fundraiser?

A: USDA considers a fundraiser to be an event that includes any activity during which currency/tokens/tickets, etc. are exchanged for the sale/purchase of a product in support of the school or school-related activities. For example, giving away food but suggesting a donation would be considered a fundraiser, since funds may be raised as a result. Another example may include a vending machine when the profits are used to support a school-sponsored club or activity such as the school band or football team. Purchasing tickets or tokens to be exchanged later for food items would also be considered a fundraiser.

23. What if tickets or tokens are provided to students as rewards? Would items exchanged for such tickets have to comply with the Smart Snacks standards?

A: If a ticket or token is given to a student for good behavior or good grades – a behavioral or performance award – and no money is exchanged in order to acquire the ticket/token, the exchange of the reward ticket or token would not be considered a sale to the student.

24. How is our school supposed to raise money for important activities and clubs now?

A: There are a variety of ways to continue raising money. There are no limits on fundraisers that meet Smart Snacks Requirements or on non-food fundraisers. Infrequent “exempt” fundraisers are allowed. Standards do not apply during non-school hours, on weekends, and at off-campus fundraising events.

25. Can fundraising products that are not in compliance with the standards be brought into and stored in the school (i.e., cookie dough in kitchen freezer)?

A: This is an individual school decision. Storage of products is not regulated in the rule.

26. Would a fundraiser involving the sale of foods or beverages conducted during the summer need to follow the Smart Snacks in Schools standards?

A: This would not have to follow the Smart Snacks in Schools standards since the fundraising would not occur during the school day.

Competition with Food Service

27. Can food/beverages that meet the Smart Snacks guidelines be sold in competition with Food Service?

A: Exempted fundraisers may not be sold in competition with school meals in the food service area during meal service; however, there are no restrictions on when and where foods that meet the guidelines can be sold. The Smart Snack standards are minimum standards, a school or district can choose to implement stricter standards if they so choose.

Fundraiser Exemptions

28. What is the Fundraising Exemption Policy?

A: The exempt fundraiser limit set by the Kansas State Board of Education is: “One exempt fundraiser per school organization per semester that does not meet the Nutrition Standards for All Foods Sold in School during the school day (midnight before to 30 minutes after the end of the school day) on school grounds will be allowed. An organization is defined as a school group that is approved by the local board of education. Length of the organization’s exempt fundraiser cannot exceed 2 days.”



29. Can our school conduct exempted fundraisers during the School Breakfast Program or National School Lunch Program?

A: Exempted fundraisers may not be sold in competition with school meals in the food service area during meal service, there are no additional restrictions.

30. Can orders or tickets be sold for foods not meeting the nutrition standards for more than two days if those foods are only delivered for up to two days as an exempt fundraiser?

A: Tickets or orders can be taken for multiple days with delivery of those items occurring on one or both of the days that are allowed for an exempt fundraiser. Selling the tickets ahead of time will help with forecasting and purchasing for the organization.

31. Can PTO or other adult organizations be granted exemptions to conduct fundraisers during the school day, on the school campus that do not meet Smart Snacks Requirements?

A: USDA Policy states that flexibility for exemptions is only for the purpose of conducting infrequent school-sponsored fundraisers during which foods that do not meet the nutrition standards for Smart Snacks may be sold. Only School-Sponsored fundraisers may be granted an exemption.

32. Does my school have to allow the number of exempted fundraisers to occur in my building?

A: Districts and schools can implement more restrictive standards if they so choose.

Sales Not Intended for Consumption at School

33. Can our school sell fundraiser foods not intended for consumption in schools?

A: Sale of frozen pizza, cookie dough and other items preordered and distributed in a precooked state or bulk quantities (multiple servings to a package) for consumption at home is not required to meet the standards. For example, boxes of preordered Girl Scout cookies intended for consumption at home would not be subject to the standards. Students could take orders and deliver them during the school day for consumption outside of school. Distribution of order forms and foods not intended for consumption at school may continue.

34. Can students take fundraising orders at school for non-school organizations?

A: Yes, orders may be taken at school as long as the foods being sold meet the Smart Snacks standards or are not intended to be consumed on campus during school hours and as long as students receive permission from the school.

35. Can food that is preordered be delivered at school to students?

A: Foods that have been purchased through a fundraiser may be delivered on the school campus during the school day if the foods sold meet the standards or are not intended to be consumed on campus during the school day as long as a student receives permission from the school.



Food and Beverage Questions

36. What is considered an entrée?

A: The Smart Snacks in School regulation defines an entrée as an item that is intended as a main dish and is either:

- A combination food of meat or meat alternate and whole grain rich food; or
- A combination food of vegetable or fruit and meat or meat alternate; or
- A meat or meat alternate alone, with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters and meat snacks (such as dried beef jerky); or
- A grain only, whole-grain rich entrée that is served as the main dish of the School Breakfast Program (SBP) reimbursable meal.

37. Can entrée items offered as part of the lunch or breakfast program be sold as an a la carte offering, if they do not meet SSIS nutrition standards?

A: Any entrée item offered as part of the NSLP or SBP is exempt from SSIS nutrition standards, if it is offered as a competitive food on the day of or the school day after, it is offered in the NSLP or SBP. Exempt entrée items offered as a competitive food must be offered in the same or smaller portions size as in the NSLP or SBP.

Side dishes offered as part of the lunch or breakfast program and sold a la carte must meet the SSIS nutrition standards.

38. Can the breakfast entrée only be sold at breakfast, or can it also be sold at lunch on the day it is menued at breakfast?

A: Breakfast entrees served as part of the SBP can be sold at breakfast and/or lunch as an a la carte offering. As with NSLP entrée items, any entrée item offered as part of the SBP is exempt from all competitive food standards if it is offered as a competitive food on the day of, or the day after, it is served in the SBP. Exempt entree items offered as a competitive food must be offered in the same or smaller portion sizes as in the NSLP or SBP.

39. Can an entrée served as part of the NSLP or SBP be sold in a school store the day the entrée is served and the day after or is this flexibility only for a la carte?

A: Yes, it would be okay for an entrée to be served in the school store the day the entrée is being served as part of the school meal program or the following day. The policy does not define where a la carte items can be located in the school.

40. Can schools sell a complete second meal to students under the Smart Snack Guidelines?

A: No, currently only the entrée of a SBP or NSLP meal is exempt from the Smart Snacks Standards. Therefore, the serving/selling of a complete second meal is not allowed since a complete meal would exceed the Smart Snack Nutrition Standards. Entrees may be sold a la carte without having to meet the Smart Snack standards on the day of or the day after it is served as part of a reimbursable meal. Snack items and side dishes would have to individually meet the Smart Snacks standards in order to be sold a la carte.

41. Are schools allowed to sell items made from scratch?

A: Yes, schools can run a nutrient analysis on items made from scratch to determine if the product meets the Smart Snacks standards.



42. Can a school use an average serving of something that is self-served or should the nutrient calculations be based on the maximum a student can take?

A: Only the maximum should be the serving used to determine if the item meets the Smart Snack Criteria and all items allowed to be self-served should be monitored to ensure anything greater than the maximum amount is not taken.

Condiments/Accompaniments

43. Do schools have to pre-portion condiments with a la carte items? Or can dispensers still be used?

A: Pre-portioning is NOT required in a la carte under the Final Rule for Smart Snacks in Schools; however, accompaniments (such as condiments) must be included in the nutrient calculations when determining if a product meets the nutrition requirements. Schools will need to be able to evaluate the approximate serving size which you could possibly do through production records, etc. if you decided not to pre-portion.

44. Can we sell condiment packets or extras such as cheese and sour cream to students?

A: In order to sell condiments or extras to students, items must meet all the food nutrient standards AND qualify under one of four general standards. Schools can choose to include approximate serving sizes of condiments in the nutrient calculations for foods sold when determining if a product meets the nutrition requirements rather than selling condiments separately.

Exempt Foods

45. Which foods are exempt from the nutrient standards?

A: Fresh, frozen, and canned fruits that have no added ingredients except water or are packed in 100 percent fruit juice, light syrup, or extra light syrup are exempt from the nutrient standards. Fresh and frozen vegetables with no added ingredients except water and canned vegetables that are low sodium, or no salt added that contain no added fat.

46. If the first ingredient in a peanut butter and jelly sandwich is peanut butter, is the product exempt from total fat and saturated fat standards?

A: This product would NOT be exempt from the total fat and saturated fat standards. The only time that peanut butter is exempt from these standards is when it is sold alone. If the sandwich were served as part of the SBP or NSLP as an alternative meal, it would meet the definition of an entrée and could be sold the day it is served and the day after in a la carte.

47. If I sell celery and peanut butter together, is it exempt from the fat standards?

A: This would be considered a "paired exempt foods" item. These items retain their individually designated exemption for total fat, saturated fat, and/or sugar when packaged together and sold but are required to meet the designated calorie and sodium standards. Other examples are reduced fat cheese served with apples or peanuts and apples.

48. May eggs be sold even though they do not meet the nutrient standards for total or saturated fat?

A: Whole eggs with no added fat are exempt from the total fat and saturated fat standards. However, if they are cooked with added fat then they must meet the standards for total and saturated fat.

**49. Is trail mix exempt from the sugar standard?**

A: If the trail mix has added ingredients, such as candy pieces, it is not exempt and would need to be evaluated against the nutrient standards. Products that consist of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat are exempt from the total fat, saturated fat and sugar standards but are subject to calorie, trans fat and sodium standards.

Fruit**50. Is a product that has fruit concentrate or puree as the first ingredient considered to have fruit as the first ingredient?**

A: If the first ingredient in a food product is dehydrated or concentrated juice or puree it does not qualify a product for sale under the general standard as that is considered to have added sugar. If the first ingredient is 100% fruit juice or fruit puree, the product is considered to have fruit as the first ingredient and would qualify under the general standard. The product would also need to meet all nutrition standard requirements.

51. Which dried fruit items may have added nutritive sweeteners and still be exempt from the sugar standard?

A: At this time, the only types of dried fruit that may have added nutritive sweeteners for processing and/or palatability and be exempt from the sugar standards are, dried cranberries, dried tart cherries, and dried blueberries. Such items must meet the SSIS calorie, total fat, saturated fat, trans fat and sodium standards.

52. Would a frozen fruit (i.e., slushies, frozen fruit bars, etc.) product count as a food or beverage?

A: School districts have the flexibility to determine if a frozen fruit product will be categorized as a food or a beverage.

- Food: Product must contain one of the main food groups as the first ingredient and meet all the nutrient standards.
- Beverage: Elementary/Middle School – no added sweeteners allowed. Maximum serving size of 8 ounces for elementary and 12 ounces for middle school.
- Beverage: High School – If product contains added sweeteners, it would be into the “Other” allowable beverage category. Maximum serving size – 12 ounces.

Ice Cream**53. Are ice cream products with milk fat as the first ingredient allowable as a Smart Snack?**

A: If the product carton or the ingredient declaration specifies that the product is “ice cream” and then follows with an ingredient list that includes milk fat, milk solids or cream, the product can be measured against the nutrition standards for snacks. This is because “ice cream” meets a specific Federal standard of identity and is considered to be a “dairy food.”

54. Can a school sell frozen yogurt in an ice cream cone that is not whole-grain rich?

A: This would be considered a combination food. As long as the first ingredient is a dairy food it would qualify under the general standards. The nutrients from each product will need to be added together to determine if the product meets the nutrient standards for a snack item. The school could not sell a non-whole grain rich cone individually, it would have to be paired with the frozen yogurt as a combination food.



Popcorn

55. May popcorn and/or kettle corn qualify as a Smart Snack?

A: Popcorn is whole grain and may be eligible as a smart snack, provided it meets all applicable standards. The ingredient label must list the first ingredient as popcorn to meet the general standard. There are many different types of popcorn available on the market, some with added fats and/or sugars, therefore, the nutrition facts panel or product specifications must be checked to determine if the product meets the nutrition standards.

Smoothies

56. Are smoothies allowed under the Smart Snacks Requirements?

A: Yes, smoothies may be sold as a food or beverage, depending on the ingredients used to make the smoothies.

57. When would a smoothie be considered a food?

A: For a smoothie to count as a food, it must meet the general standards by including one of the main food group categories as the first ingredient and it must meet the specific nutrient standards.

58. When would a smoothie be considered an entrée?

A: For a smoothie to count as an entrée, it must contain a meat/meat alternate, such as yogurt or peanut butter, and a fruit or vegetable. It must also meet the specific nutrient standards for an entrée. If a smoothie does not meet the entrée definition, it may be sold as a snack.

59. When would a smoothie be considered a beverage?

A: A smoothie is considered a beverage when it is comprised entirely of beverages that are currently allowed under the standards for 100% juice, low fat or non-fat milk, and water (or ice).

60. In high school, could a smoothie have ingredients other than juice, allowable milks, or water?

A: If the smoothie is sold in high school and contains added sweeteners or other ingredients, it would fall into the "Other" allowable beverage category for high school and would need to meet the specific nutrient standards for that beverage category.

Beverages

61. How does one determine if juice meets the standard for being full-strength 100% fruit juice?

A: The Food and Drug Administration (FDA) requires beverage labels for products that contain juice to include a percent juice declaration on the product carton. When the product carton has the FDA required percent juice content declaration printed as "100% juice", the product meets the Smart Snack standard for being full-strength.

62. Can two allowable beverages be mixed together and still be considered Smart Snack compliant?

A: Yes, if two allowable beverages such as 100% juice and non-fat milk are mixed, the beverage would be considered Smart Snack compliant. Maximum serving sizes of compliant beverages must still be followed if two or more allowable beverages are mixed.



63. Can beverages labeled as probiotic dairy drinks, drinkable yogurt, milk shakes, and/or high protein low fat milk be sold?

A: Allowable milk beverages include flavored and unflavored non-fat and low-fat milk, Kefir (cultured milk), buttermilk, acidified milk, acidophilus milk, or nutritionally equivalent milk alternatives as permitted by the school meal requirements. This category does not include other dairy drinks or milk beverages as they do not meet the Federal standard of identity to be labeled as milk. In order for these beverages to be sold (to high school student only), they must meet the requirements under the low and no calorie other beverage standards for high school students only.

64. If both middle school and high school students are located in the same building, which beverage standards should be implemented in the school?

A: If all students have access to all venues of the school, the items available for sale to students (beverages) must meet the middle school standards. If the middle school students do not have access to the high school area, separate middle school and high school beverage standards may be implemented by the school.

65. Our high school has grades 8–12 enrolled, do we have to follow middle school or high school beverage standards?

A: All public school buildings in the state have been given a building number and are defined as an elementary, middle school, middle/high school or high school. A statistics report can be ran to determine what grades are enrolled at each building on KSDE's website at: <https://ksreportcard.ksde.org/> If the building report shows that grades 8–12 are part of the high school, then high school beverage standards would apply. If a building is defined as a middle/high school, then the middle school beverage standards would apply unless the middle school students did not have access to the choices available to high school students.

Coffee

66. Can coffee be sold to students in schools?

A: Coffee is considered a beverage and could only be sold to high school students since it contains caffeine. There would be a maximum serving size for the coffee sold depending how the coffee was served:

- Other beverages that are labeled to contain less than 5 calories per 8 fluid ounces or up to 10 calories for 20 fluid ounces.
- Other beverage standards that are labeled to contain up to 60 calories per 12 ounces or up to 40 calories per 8 fluid ounces.
- If served in combination with milk, such as lattes or cappuccinos, the final beverage size must be not more than 12 fl. oz.

67. If coffee and tea are sold, may students have cream and sweetener for their beverages?

A: Yes, cream and sweeteners are accompaniments to coffee and tea. The sugar and cream must be included in the evaluation of the coffee or tea against the beverage standard. The use of accompaniments can be averaged over the number of drinks sold.



68. May espresso and steamed (or boiled) milk beverages, such as lattes and cappuccinos be sold to high school students.

A: Yes, as long as the beverage sold is comprised of two allowable beverages. Coffee combined with nonfat or low-fat milk (flavored or unflavored). Coffee drinks may be served over or blended with ice. All final beverage sizes must be no more than 12 ounces.

69. Must the calories from milk (nonfat or low-fat be included in the nutrient analysis of coffee beverages being sold to students?

A: Nonfat and low-fat milk, flavored or unflavored, are allowable beverages that may be combined with coffee; therefore, the calories from those allowable milk types are not counted when added to coffee beverages. Coffee combined with nonfat or low-fat milk must be no more than 12 ounces. When evaluating coffee beverages, the calories added by any ingredients that are not allowable beverages must be monitored such that the calories from those ingredients do not exceed the Other Low-Calorie Beverage standard of 5 calories per ounce of beverage.

Documentation Requirements

70. What documentation do we need in order to show that foods and beverages sold meet Smart Snacks guidelines?

A: Sponsors are encouraged to run their product through the Alliance for a Healthier Generation – Product Calculator and print the screen showing their product is compliant. Sponsors can enter in product information before printing. The product nutrition facts label should then be attached to the printout to show compliance.

71. Can a product specification sheet or product sales literature be used rather than an actual product Nutrition Facts panel for documentation of Smart Snacks in Schools compliance?

A: While actual product labels or cartons are preferred, individuals interested in assessing products against the Smart Snacks in School nutrient standards may use properly documented specification sheets or sales literature provided by the food manufacturer or supplier. Properly documented informational materials are documents that are presented on company letterhead or designed portfolios complete with contact information and product identification. In some cases, these informational materials may include raw or unrounded nutrient data and these data can be used to assess the product against the Smart Snacks nutrient standards. It is important that the product labels or the product specification sheets/product sales literature be maintained for record keeping and monitoring purposes.



Resources

- **Child Nutrition & Wellness, Kansas State Department of Education**
www.kn-eat.org, School Nutrition Programs, Guidance, Smart Snacks in Schools
- **Tools for Schools: Focusing on Smart Snacks:**
<https://www.fns.usda.gov/cn/tools-schools-focusing-smart-snacks>
- **A Guide to Smart Snacks in School**
www.fns.usda.gov/tn/guide-smart-snacks-school
- **Smart Snacks Product Calculator:**
<https://foodplanner.healthiergeneration.org/calculator/>
- **KSDE Policy for Exempt Fundraisers**
www.kn-eat.org, School Nutrition Programs, Guidance, Smart Snacks in Schools



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