

DATE: July 8, 2011

MEMO CODE: SP 42 - 2011

SUBJECT: Child Nutrition Reauthorization 2010: Local School Wellness Policies

TO: Child Nutrition Programs

Section 204 of the Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, added Section 9A to the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1758b), *Local School Wellness Policy Implementation*. The provisions set forth in Section 204 expand upon the previous local wellness policy requirement from the Child Nutrition and Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Reauthorization Act of 2004 (Public Law 108-265).

This memorandum provides information on the new requirements for local wellness policies so that local educational agencies (LEAs) can begin reviewing their policies for the coming School Year 2011-2012, and begin moving forward on implementing the new requirements. The Food and Nutrition Service (FNS) anticipates issuing a proposed rule addressing the new requirements in Fall 2012 and providing technical assistance materials throughout the implementation of this provision. The public will have an opportunity to comment on the rule. FNS is hopeful that the operational experiences LEAs gain from implementing Section 204 will provide an informed body of comment on the proposed rule to be issued.

Summary of Section 204

Local wellness policies are an important tool for parents, LEAs and school districts to promote student wellness, prevent and reduce childhood obesity, and provide assurance that school meal nutrition guidelines meet the minimum Federal school meal standards. While many LEAs included plans for implementation in their written wellness policies as required by the Child Nutrition and WIC Reauthorization Act of 2004, they were not required to report on policy compliance and implementation; as a result, implementation and evaluation efforts were not monitored or conducted regularly. Section 204 of the Act strengthens wellness policies by emphasizing ongoing implementation and assessment. This provision also supports a robust process at the community level, including the expansion of the team of collaborators participating in the wellness policy development to include more members from the community. This approach is intended to foster broad-based community support for the development and implementation of effective wellness policies.

The Act retains the requirement that each LEA participating in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) establish, for all schools under its jurisdiction, a local school wellness policy. The Act incorporates new requirements for the content of the policies as well as general requirements for the development,

implementation, dissemination, and assessment of the policies. These additional requirements are described below.

The Act also requires the Department of Agriculture (USDA) to promulgate regulations that provide the framework and guidelines for these local wellness policies, and to provide information and technical assistance to LEAs, school food authorities, and State agencies (SAs) for use in establishing healthy school environments that are intended to promote student health and wellness.

Elements of the Local Wellness Policy

As was previously required, local wellness policies must include, at a minimum, goals for nutrition education, physical activity, and other school-based activities that promote student wellness, as well as nutrition guidelines to promote student health and reduce childhood obesity for all foods available on each school campus. The Act added the requirement that local wellness policies include goals for nutrition promotion.

Local Discretion

As previously required, LEAs can determine the specific policies appropriate for the schools under their jurisdiction, provided that those policies address all of the required elements specified in the Act.

Public Involvement

LEAs are now required to permit teachers of physical education and school health professionals as well as parents, students, and representatives of the school food authority, the school board, school administrators, and the public to participate in the development of wellness policies. The Act also expanded the purpose of the team of collaborators beyond the development of a local wellness policy to also include the implementation of the local wellness policy with periodic review and updates.

Implementation, Periodic Assessment, and Public Updates

The Act requires LEAs to inform and update the public (including parents, students, and others in the community) about the content and implementation of the local wellness policies. LEAs are also required to measure periodically and make available to the public an assessment of the local wellness policy, including:

- The extent to which schools are in compliance with the local wellness policy;
- The extent to which the LEA's local wellness policy compares to model local school wellness policies; and
- The progress made in attaining the goals of the local wellness policy.

Finally, the Act requires LEAs to designate one or more LEA officials or school officials, as appropriate, to ensure that each school complies with the local school wellness policy.

Recommended Actions for School Year 2011-2012

Section 204 of the Act was effective as of October 1, 2010. Therefore, State agencies should ensure that LEAs are aware of the changes and begin reviewing their local wellness policies during School Year 2011-2012 and, to the extent practicable, begin moving forward on implementing the new requirements.

LEAs may find it helpful to consult the local wellness policy reference materials and sample policies on the FNS website at: <http://www.fns.usda.gov/tn/healthy/wellnesspolicy.html>. FNS will be updating these materials to reflect the new requirements; however these materials can still be a useful starting point for LEAs working to strengthen their local wellness policies to meet the requirements of the new law. FNS intends to describe the concept of *nutrition promotion* more clearly in future technical assistance materials, so that LEAs can add these goals to their local wellness policy.

There are a number of ways in which LEAs can implement the requirement for informing and updating the public about the content and implementation of the local wellness policies. Acceptable methods may include developing or disseminating printed or electronic materials to families of school children and other members of the school community at the beginning of the school year, and posting the local wellness policies and an assessment of its implementation on the district or school website. Whatever method is chosen, the information must be made available to the public by LEAs in an accessible, easily understood manner. For School Year 2011-2012, LEAs should be working toward developing a reasonable method to implement this requirement, with the goal of making the information public by the end of the school year.

Technical Assistance

Some LEAs will be able to implement several of the requirements of Section 204 relatively easily. However, we recognize that LEAs will need further guidance from FNS, particularly in the areas of model local wellness standards and assessing and evaluating local wellness policies. FNS is working with our partners at the Department of Health and Human Services/CDC and the Department of Education to provide technical assistance on local wellness policies for LEAs. The three agencies are working on a draft plan that will provide an overview of local wellness policies, identify gaps according to an environmental scan, and outline the technical assistance outcomes, services, and activities that the three agencies intend to address. In Summer 2011, this plan will be posted to the FNS website for the Healthy, Hunger-Free Kids Act (HHFKA): http://www.fns.usda.gov/cnd/Governance/Legislation/CNR_2010.htm. We will provide more information on a periodic basis as we move forward and develop resources.

The Centers for Disease Control and Prevention (CDC) has a number of resources to assist LEAs in designing, implementing, and promoting elements of local wellness policies,

which are available on the CDC website: <http://www.cdc.gov/HealthyYouth>. In addition, CDC will soon be releasing the *School Health Guidelines to Promote Healthy Eating and Physical Activity Among Youth*, which presents evidence-based guidance for schools on how to promote healthy eating and physical activity in schools. The guidelines serve as the foundation for developing, implementing, and evaluating school-based healthy eating and physical activity policies and practices for K-12th grade students. Each of the nine guidelines is accompanied by a series of strategies to facilitate implementation. The Guidelines recognize that not all schools will be able to implement all guidelines and strategies; they represent a gold standard for schools to work toward. SAs and LEAs may look for links to these resources on the FNS HHFKA website this summer. To the extent practicable, LEAs should refer to these resources to assist them in adding additional elements to their existing local wellness policies.

Implementation Oversight and Proposed Rule

SAs must continue to ensure local wellness policies are in place when conducting administrative reviews. As needed, SAs should offer technical assistance to LEAs to assist them in identifying practical means of implementing the new requirements. Many requirements can be implemented easily, though others will require additional guidance.

FNS expects to publish a proposed rule on local wellness policies in Fall 2012. The public will have an opportunity to comment on the rule. We are hopeful that the operational experiences LEAs gain from implementing Section 204 will provide an informed body of comment on the proposed rule.