

Commissioner's Memo
9/21/2016

Wellness Policy Requirements: Updates from USDA Final Rule

Memo Information

Memo Number **CNU-17-016**

Memo Date 9/21/2016

Memo Type Regulatory

Unit Child Nutrition

Regulatory Authority Child Nutrition Reauthorization Act of 2004 (Sec. 204 of Public Law 108-265); Healthy, Hunger-Free Kids Act of 2010 (Sec. 204 of Public Law 111-296); United States Department of Agriculture Food and Nutrition Services Final Rule on Local Wellness Policy Implementation (July 21, 2016); Arkansas Act 1220 of 2003 and the Arkansas Department of Education Rules Governing Nutrition, Physical Activity, and BMI, updated May 2016

Response Required NO

Attention Superintendents; Principals

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Memo Text

ATTENTION CO-OP DIRECTORS, CHILD NUTRITION DIRECTORS, WELLNESS COMMITTEE CHAIRS AND MEMBERS

The purpose of this memo is to update districts on the federal requirements for local school wellness policies. Each local educational agency that participates in the National School Lunch Program or other federal Child Nutrition programs is required by federal law to establish a local wellness policy for all schools under its jurisdiction.

Local school wellness policies are an important tool for parents, local educational agencies (LEAs) and school districts in promoting student wellness, preventing and reducing childhood obesity, and providing assurance that school meal nutrition guidelines meet the minimum federal school meal standards and the Arkansas nutrition standards.

Congress recognizes that schools play a critical role in promoting student health, preventing childhood obesity, and combating problems associated with poor nutrition and physical inactivity. In 2004, Congress passed the Child Nutrition and Special Supplemental Nutrition Program for Women, Infants

and Children (WIC) Reauthorization Act (Sec. 204 of Public Law 108-265). This act required by law that all districts participating in the National School Lunch Program or other child nutrition programs create local school wellness policies by School Year 2006. The legislation places the responsibility of developing a district wellness policy at the local level so the individual needs of each district can be addressed.

In 2010, Congress passed the Healthy, Hunger-Free Kids Act of 2010 (Sec. 204 of Public Law 111-296), and added new provisions for local school wellness policies related to implementation, evaluation, and publicly reporting on progress of local school wellness policies.

On July 21, 2016, the United States Department of Agriculture Final Rule on Local Wellness Policy Implementation was published in the Federal Register. The final rule strengthens the requirements on public involvement, transparency, implementation, and evaluation among other topics.

Overview of Requirements

- As of School Year 2006-2007, all districts were required to establish a local school wellness policy.
- The USDA Final Rule requires districts to develop and adopt a revised local school wellness policy during School Year 2016-2017. Districts must fully comply with the requirements of the final rule by June 30, 2017. This includes, but is not limited to:
 - Permitting parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, review, and update of the local wellness policy.
 - Identifying wellness policy leadership of one or more district and/or school official(s) who have the authority and responsibility to ensure each school complies with the policy.
 - Informing and updating the public (including parents, students, and others in the community) about the content and implementation of the local wellness policy.
 - Ensuring the wellness policy includes all of the required components:
 - Specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. Districts are required to review and consider evidence-based strategies in determining these goals.
 - Nutrition guidelines for all foods and beverages available or for sale on the school campus during the school day that are consistent with Federal regulations for:
 - School meal nutrition standards,
 - Smart Snacks in School nutrition standards; and
 - Arkansas Nutrition Standards
 - Policies for other foods and beverages available on the school campus during the school day (e.g., in classroom parties, classroom snacks brought by parents, or other foods given as incentives).
 - Policies for food and beverage marketing that allow marketing and advertising of only those foods and beverages that meet the Smart Snacks in School nutrition

standards.

- Description of public involvement, public updates, policy leadership, and evaluation plan.

Evaluation

All districts must assess their wellness policy at least once every three years on the extent to which schools are in compliance with the district policy, the extent to which the local wellness policy compares to model local school wellness policies, and the progress made in attaining the goals of the local wellness policy. Districts must make this assessment available to the public on an annual basis.

Resources

USDA has developed a useful tool that summarizes the requirements listed above and may be shared with Wellness Committee Members and the community:

http://www.fns.usda.gov/sites/default/files/tn/LWPsummary_finalrule.pdf

Other useful wellness policy tools from USDA may be found at:

<http://www.fns.usda.gov/tn/local-school-wellness-policy>

USDA Nutrition Standards for School Meals information may be found at:

<http://www.fns.usda.gov/school-meals/nutrition-standards-school-meals>

USDA Smart Snacks information may be found at:

<http://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks>

And, the Arkansas Department of Education Rules Governing Nutrition, Physical Activity, and BMI (updated May 2016) are attached.

If you have questions or need assistance, please contact Stephanie Alsbrook or your district's area specialist at the Arkansas Child Nutrition Unit (501) 324-9502 or Audra Walters with ADE School Health Services at (501) 683-3604.

Attachments

- [CNU-17-016--May_2016_Final_Rules.pdf](#)