

CLIENT ALERT

OCTOBER 2005

WELLNESS POLICY

In June 2004, the United States Congress passed the Child Nutrition and WIC Reauthorization Act of 2004. This federal legislation includes a new requirement that any public and private schools that participates in a federally-funded school meals programs (i.e. National School Lunch Program, School Breakfast Program, etc.) develop and implement a student wellness policy to promote healthy eating and physical activity among students. These wellness policies must be in place by the start of the 2006-07 school year.

In developing a district wellness policy, school districts must make sure to involve parents, students, representatives of the school food authority, the school board, school administrators, and the public. At a minimum, a school district wellness policy must include the following:

- 1) goals for appropriate nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the local educational agency determines appropriate;
- 2) nutritional guidelines selected by the school district for all foods available on the school campus during the school day with the objectives of promoting student health and reducing childhood obesity;
- 3) assurances that any guidelines established regarding reimbursable school meals are not less restrictive than those set by the United States Department of Agriculture (“USDA”) with respect to free and reduced school meals; and
- 4) a plan for measuring the implementation of the local wellness policy, including the designation of one or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the wellness policy standards and guidelines.

In order to comply with this new legislation, we recommend that each school district develop an advisory committee to review any available state and/or federal guidance on student wellness issues, including resources made available to school districts pursuant to Circular Letter C-2, “Guidelines to Develop Comprehensive Nutrition and Physical Activity Policies in Schools,” issued by Dr. Betty J. Sternberg, Commissioner of Education to Superintendents of Schools (August 17, 2005). Such advisory committees should be composed of representatives from the above-noted groups and should be used to formulate district-specific recommendations in the area of student nutrition and physical activity.

For your convenience, we have enclosed a copy of § 204 of Public Law 108-265 as well as a sample policy for school districts to consider. We suggest that you provide this model policy to the advisory committee suggested above, and that the committee consider and make recommendations that elaborate on the various goals we have suggested in the sample policy (along with other goals that the committee identifies). When the Board receives such concrete recommendations, it can consider them and adopt a policy that it deems appropriate. In establishing such goals, it is important for both the committee and the Board to be realistic so that district personnel will be reasonably able to implement the policy. Please let us know if you have any questions. Thank you.

SEC. 204. LOCAL WELLNESS POLICY

- a) **IN GENERAL.**—Not later than the first day of the school year beginning after June 30, 2006, each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for schools under the local educational agency that, at a minimum—
1. includes goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate;
 2. includes nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity;
 3. provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and sections 9(f)(1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)), as those regulations and guidance apply to schools;
 4. establishes a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy; and
 5. involves parents, students, representatives of the school food authority, the school board, school administrators, and the public in the development of the school wellness policy.
- b) **TECHNICAL ASSISTANCE AND BEST PRACTICES.**—
1. **IN GENERAL.**—The Secretary, in coordination with the Secretary of Education and in consultation with the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, shall make available to local educational agencies, school food authorities, and State educational agencies, on request, information and technical assistance for use in—
 - a. establishing healthy school nutrition environments;
 - b. reducing childhood obesity; and
 - c. preventing diet-related chronic diseases.
 2. **CONTENT.**—Technical assistance provided by the Secretary under this subsection shall—
 - a. include relevant and applicable examples of schools and local educational agencies that have taken steps to offer healthy options for foods sold or served in schools;
 - b. include such other technical assistance as is required to carry out the goals of promoting sound nutrition and establishing healthy school nutrition environments that are consistent with this section;
 - c. be provided in such a manner as to be consistent with the specific needs and requirements of local educational agencies; and
 - d. be for guidance purposes only and not be construed as binding or as a mandate to schools, local educational agencies, school food authorities, or State educational agencies.
 3. **FUNDING.**—
 - a. **IN GENERAL.**—On July 1, 2006, out of any funds Effective date. in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection \$4,000,000, to remain available until September 30, 2009.
 - b. **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

[Boards of education are required to have a wellness policy in place by the start of the 2006-07 school year. The development of this policy must involve parents, students, representatives from the school food authority, school administrators, the school board and the public. We recommend that the district consider creating an advisory council to review applicable state and federal guidance in this area and to make recommendations to the Board regarding district-specific goals and guidelines to be included in this policy.]

POLICY REGARDING WELLNESS

It is the policy of the _____ Board of Education to promote the health and well-being of district students. In furtherance of this policy, the Board has created an Advisory Council on Wellness (“Advisory Council”) to review any available state or federal guidance on wellness issues and to assist in formulating recommendations for specific goals and guidelines aimed at promoting lifelong wellness practices among district students. This Advisory Council involves parents, students, representatives from the school food authority (i.e. any private company employed to provide food services), school administrators, the board of education, and members of the public.

I. GOALS AND GUIDELINES

The Board, following consultation with the Advisory Council, adopts the following goals and guidelines in order to promote student wellness:

A. Nutrition Education Promotion

[These goals/guidelines should be designed to promote student wellness in a manner that the school district determines is appropriate. Examples of the types of goals that may be recommended include, but are not limited to, the following:

- *Setting an average weekly minimum time for classroom nutrition education*
- *Providing a minimum number of hours per year of training to classroom teachers on how to integrate nutrition education into other basic subjects*
- *Setting rules for marketing and promotion of nutritious foods and healthy habits outside the classroom].*

B. Physical Activity and Other School-Based Activities

[Examples of the types of goals that may be recommended include, but are not limited to, the following:

- *Setting minimum physical education requirements including time, frequency and intensity*
- *Setting maximum teacher to student ratios for physical education classes*
- *Setting minimum requirements for recess, including amount of time and scheduling of recess time*
- *Requiring recess to be outdoors if possible*
- *Encouraging walking and biking to school through safe route programs*
- *Creating after school activity programs, student health council, and community/family programs that encourage healthy habits*
- *Scheduling school meals at appropriate times in appropriate settings*
- *Marketing healthy food in ways that increase its appeal*
- *Giving students and the community after-school access to school activity facilities].*

C. Nutritional Guidelines for School Food

[These guidelines should be selected by the school district for all foods available at each school during the school day with the objectives of promoting student health and reducing childhood obesity. Examples of the types of goals and guidelines that might be recommended under this section include, but are not limited to, the following:

- *Addressing issues such as nutritional values and portion size*
- *Regulating a la carte, vending machine, concession and school store offerings*

- *Regulating after school activity, field trip, school event and school party offerings*
- *Eliminating the use of food as a reward*
- *Eliminate the use of candy and other unhealthy foods as fund raisers*
- *Training and certification of food preparation and food service staff*
- *Evaluating food and drink contracts*].

At a minimum, all reimbursable school meals (i.e. free and reduced lunches) shall meet the program requirements and nutritional standards established by the USDA regulations applicable to school meals.

II. MEASURING THE IMPLEMENTATION OF WELLNESS POLICY

Pursuant to this policy, the Board shall designate at least one (1) individual to be responsible for the oversight of the school district's wellness program. This [these] individual[s] will be responsible for ensuring that the goals and guidelines relating to nutrition education, physical activity, school-based wellness activities and nutritional value of school-provided food and beverages are met, that there is compliance with the wellness policy, and that all school policies and school-based activities are consistent with the wellness policy.

LEGAL REFERENCES:

Federal Law:

Child Nutrition and WIC Reauthorization Act of 2004, Pub. L. 108-265, § 204

Child Nutrition Act § 10(a)-(b), codified at 42 U.S.C. § 1799

Richard B. Russell National School Lunch Act § 9(f)(1) and § 17(a), codified at 42 U.S.C. § 1758(f)(1) and 42 U.S.C. § 1766.