

Wellness Sub Committee

Local School Wellness Policy Implementation Under the Healthy,
Hunger-Free Kids Act of 2010 and revision of 2016: Final Rule



Today's Agenda

- **Review local wellness policy requirements**

- What is a local School Wellness Policy
- Public Involvement
- Nutrition Promotion and Education
 - Food and beverage marketing in schools
- Physical Activity and Other School Based Activities
- Food sold to students during the school day
 - Vending machines accessible to students
 - Oregon Smart Snack regulation
 - Regulations for non-food items including fundraisers, classroom parties, etc.
 - Smarter Lunchrooms

- **Committee Role**

- **Record committee thoughts and wonderings**

What is a local wellness policy?

A local school wellness policy (“wellness policy”) is a written document that guides a local educational agency’s (LEA) or school district’s efforts to establish a school environment that promotes students’ health, well-being, and ability to learn.

The wellness policy requirement was established by the Child Nutrition and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Reauthorization Act of 2004 and further strengthened by the Healthy, Hunger-Free Kids Act of 2010 (HHFKA).

It requires each LEA participating in the National School Lunch Program and/or School Breakfast Program to develop a wellness policy. The final rule expands the requirements to strengthen policies and increase transparency. The responsibility for developing, implementing, and evaluating a wellness policy is placed at the local level, so the unique needs of each school under the LEA’s jurisdiction can be addressed.

Provisions of the Final Rule

On July 29, 2016, the USDA Food and Nutrition Service (FNS) finalized regulations to create a framework and guidelines for written wellness policies established by LEAs.

The final rule requires LEAs to begin developing a revised local school wellness policy during School Year 2016-2017. LEAs must fully comply with the requirements of the final rule by June 30, 2017.

Content of the Wellness Policy

At a minimum, policies are required to include:

- **Specific goals for nutrition promotion and education, physical activity, and other school based activities that promote student wellness.**
 - In developing these goals, LEAs must review and consider evidence-based strategies and techniques.
 - FNS does not recommend a specific number of hours for nutrition education, but instead that nutrition education is part of comprehensive health education curricula as well as integrated into other core subjects, such as math, science, language arts, and social sciences. FNS' Team Nutrition initiative has standards-based lesson plans and curricula for pre-kindergarten through Grade 8, available free of charge for schools that participate in Federal child nutrition programs (<http://www.fns.usda.gov/tn/resource-library>). The amount of time recommended for nutrition education is dependent on many factors including expected results, content of curriculum, and quality of instruction.
 - Although FNS sets the standards for the operation of school meal programs, FNS does not have the authority to require a minimum time for physical activity during the school day. The Richard B. Russell National School Lunch Act, section 12(c), [42 U.S.C. 1760\(c\)](#), prohibits USDA from imposing any requirement in relation to curriculum and methods of instruction.
 - FNS agrees with commenters that 60 minutes of physical activity is important for students to achieve and maintain optimal health. The Centers for Disease Control and Prevention (CDC) recommends 60 minutes of physical activity each day for children and adolescents.^[2] While it may be difficult for schools to meet the recommended requirement due to other demands, FNS strongly encourages schools to offer time for students to meet the 60 minute goal since children spend many hours of their day at school.

Goals for nutrition promotion and education, physical activity, and other school based activities continued

- Under the final rule at § 210.30(c)(1), LEAs are also required to review and consider evidence-based strategies and techniques in establishing goals for nutrition promotion and education, physical activity, and other school based activities that promote student wellness.
- At a minimum, FNS expects LEAs to review “Smarter Lunchroom” tools and strategies, which are evidence-based, simple, low-cost or no-cost changes that are shown to improve student participation in the school meals program while encouraging consumption of more whole grains, fruits, vegetables, and legumes, and decreasing plate.

Content of the Wellness Policy Continued

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- **Standards and nutrition guidelines for all foods and beverages sold to students on the school campus during the school day that are consistent with Federal regulations for:**
 - School meal nutrition standards, and
 - the Smart Snacks in School nutrition standards. This would include vending machines, student store selling food, culinary programs selling food, etc. Please note in Oregon we must follow the Oregon Smart Snack Standards which are more rigid.
 - It is important to remember that the Federal competitive food standards are minimum standards. State agencies and LEAs have discretion to adopt more stringent standards for the types of food and beverages allowed to be sold and also may limit the frequency of fundraisers that may include foods that do not meet Federal competitive foods standards.
 - Competitive food means all food and beverages other than meals reimbursed under programs authorized by the NSLA and the CNA available for sale to students on the School campus during the School day.
 - School day means, for the purpose of competitive food standards implementation, the period from the midnight before, to 30 minutes after the end of the official school day.

Content of the Wellness Policy Continued

- **Standards for all foods and beverages provided, but not sold, to students during the school day (e.g., in classroom parties, classroom snacks brought by parents, or other foods given as incentives).**
 - The final rule requires that the local school wellness policy include standards and nutrition guidelines for all foods sold in schools and requires that those guidelines are consistent with the applicable Federal school meal requirements and competitive foods standards, as defined by statute and regulation. These are the Oregon Smart Snack Standards.
 - The final rule requires that local school wellness policies include standards for all foods provided, but not sold, in schools during the school day. However, the final rule does not require that local school wellness policy standards for foods provided in schools during the school day but not available for sale conform to the school meal requirements or the competitive foods standards. Again, it should be noted that with regard to foods provided, but not sold, in schools, local jurisdictions have the discretion to adopt standards that conform to Federal school meal and competitive food standards or to adopt more or less stringent standards.

Content of the Wellness Policy Continued

- **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**
 - Wellness Leadership LEAs must establish wellness policy leadership of one or more LEA and/or school official(s) who have the authority and responsibility to ensure each school complies with the policy.
 - Public Involvement At a minimum, LEAs must: Permit participation by the general public and the school community (including parents, students, and representatives of the school food authority, teachers of physical education, school health professionals, the school board, and school administrators) in the wellness policy process.



Content of the Wellness Policy Continued

Updates to the Wellness Policy

- The final rule requires that LEAs update or modify the wellness policy as appropriate.

Public Updates

- The rule requires that LEAs must make available to the public:
- The wellness policy, including any updates to and about the wellness policy, on an annual basis, at a minimum, and
- The Triennial Assessment, including progress toward meeting the goals of the policy.
- *Note: While annual progress reporting has been removed from the final rule, it is important to note that under § 210.30(d)(2), the annual public notification requirement is still in place.*



Wellness Policy Review

Triennial Assessments The final rule requires State agencies to assess compliance with the wellness policy requirements as a part of the general areas of the administrative review every 3 years. LEAs must conduct an assessment of the wellness policy every 3 years, at a minimum. This assessment will determine:

- Compliance with the wellness policy,
- How the wellness policy compares to model wellness policies, and
- Progress made in attaining the goals of the wellness policy



Wellness Policy Documentation

Documentation The State agency will examine records during the Administrative Review, including:

- Copy of the current wellness policy,
- Documentation on how the policy and assessments are made available to the public,
- The most recent assessment of implementation of the policy, and
- Documentation of efforts to review and update the policy, including who was involved in the process and how stakeholders were made aware of their ability to participate.

Next Steps for Committee

- **Homework before next meeting**
 - Review current policy and other District Sample policies in preparation for next meeting
 - Review Summary and final rules for wellness policy requirements
- **Review current assessment of program based on current policy.**
 - This will be provided at next meeting
- **Have robust and in-depth conversations about current policy likes and dislikes**
 - Work towards preparing revisions for Board Approval

Next meeting April 19, 2022