



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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January 30, 2012

Ms. Susan K. Haberstroh
Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 15 DE Reg. 958 [DOE Proposed Child Nutrition Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to repeal its child nutrition regulation in its entirety published as 15 DE Reg. 958 in the January 1, 2012 issue of the Register of Regulations. SCPD strongly opposes this proposed regulation which represents a manifest abdication of responsibility for the health of public school students. SCPD offers the following observations.

First, consistent with the attachments, Delaware received an "F" in the last School Food Report Card from the Center for Science in the Public Interest. According to the attached December 18, 2007 News Journal article, the reason for the "F" was that Delaware had no standards of its own. Instead of being embarrassed by the grade, the Department is now proposing to eliminate the few standards it had. The attached Report Card report contains summaries of standards adopted in many other states. Also attached is a set of model school policies which go well beyond the USDA standards for school breakfast and lunch programs. For example, consider the value of the following policies:

Fundraising Activities. To support children's health and school nutrition education efforts, school fundraising activities will not involve food or will use only foods that meet the above nutrition and portion size standards for foods and beverages sold individually. Schools will encourage fundraising activities that promote physical activity. The school district will make available a list of ideas for acceptable fundraising activities.

Snacks. Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will

assess if and when to offer snacks based on the timing of school meals, children's nutritional needs, children's ages, and other considerations. The district will disseminate a list of healthful snack items to teachers, after-school personnel, and parents.

Second, elimination of all DOE standards on nutrition ignores the urgency of resolving the epidemic of childhood obesity. USDA proposed regulations share the following concerns:

(O)verweight and obesity are now major health concerns affecting children and adolescents. Studies indicate that excess food consumption, poor food choices, and decreased physical activity are contributing to childhood overweight and obesity, and related chronic health conditions. According to Centers for Disease Control ...almost 32 percent of children age 6-19 years of age are overweight or obese....Obese children and adolescents are at risk for health problems during their youth and as adults. They are more likely to have risk factors associated with cardiovascular disease (such as high blood pressure, high cholesterol, and Type 2 diabetes) than other children and adolescents.

76 Fed. Reg. 2493, 2495 (January 13, 2011)

Third, the repeal of all DOE nutrition standards is inconsistent with State public policy. In 2007, the Legislature adopted the attached Senate Concurrent Resolution 13 highlighting the "devastating long-term health risks for children" linked to obesity. The Resolution endorsed remedial action by Nemours and its statewide partners in promoting healthy eating and physical activities. Likewise, in 2011, the General Assembly enacted legislation (H.B. 3) with similar findings which limits trans fats and unhealthy beverages in schools.

Fourth, the USDA regulations (excerpts attached) contemplate State review and oversight of USDA food program standards. See, e.g., proposed 7 C.F.R. §§210.18 ("State agencies must conduct administrative reviews of all school food authorities at least once during each 3-year review cycle..."). Since the DOE is repealing its only nutrition regulation which required compliance with USDA standards, there will be no State authority for such reviews or enforcement. If the DOE wished to eschew State standards in favor of federal standards, it could have incorporated federal standards in a State regulation. Instead, the DOE has opted to have no standards whatsoever.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position and observations on the proposed regulation.

Sincerely,


Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Lillian Lowery
The Honorable Jack Markell
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Ms. Mary Ann Mieczkowski
Ms. Paula Fontello, Esq.
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House Education Committee
Senate Education Committee
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens

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State School Foods Report Card 2007



**A State-by-State Evaluation of Policies for Foods and Beverages
Sold through Vending Machines, School Stores, A La Carte,
and Other Venues Outside of School Meals**

Center for Science in the Public Interest
November 2007

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CSPI and the Nutrition Policy Project

The Center for Science in the Public Interest (CSPI) is a nonprofit organization based in Washington, D.C. Since 1971, CSPI has been working to improve the public's health through its work on nutrition, food safety, and alcohol issues. CSPI is supported primarily by the 900,000 subscribers to its *Nutrition Action Healthletter* and by philanthropic foundations.

CSPI's Nutrition Policy Project is working with concerned citizens, health professionals, government officials, and other nonprofit organizations to strengthen national, state, and local policies and programs to promote healthy eating and physical activity. Our goal is to help reduce the illnesses, disabilities, deaths, and high health-care costs caused by diet- and inactivity-related diseases and conditions such as heart disease, cancer, high blood pressure, diabetes, and obesity. For more information on current projects and other policy goals to promote healthy eating and physical activity, visit www.cspinet.org/nutritionpolicy.

Written by Margo Wootan, DSc, Director of Nutrition Policy, Holly Henry, MHS, Grassroots Organizer, Dana Roberts, Nutrition Policy Project Coordinator, and Joy Johanson, MPH, Senior Policy Associate.

For more information, model policies, and other materials, contact:

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November 2007

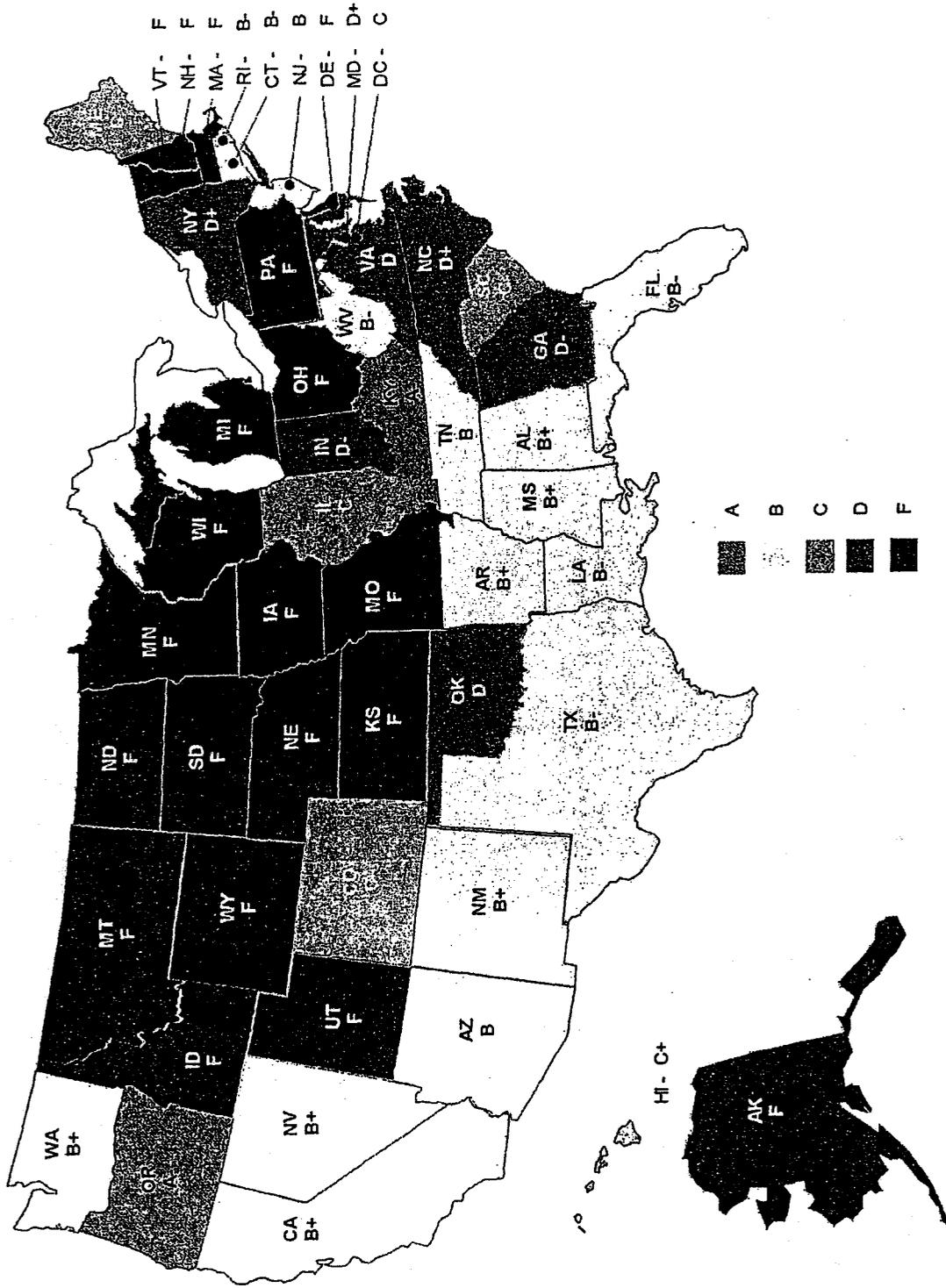
The *School Foods Report Card* is available online (free of charge) at www.cspinet.org/2007schoolreport.pdf.

STATE SCHOOL FOODS Report Card 2007

A-	Kentucky (1) ¹ , Oregon (2)
B+	Mississippi (3), Nevada (4), Alabama (5), Arkansas (6), California (7), Washington (7), New Mexico (8)
B	New Jersey (9), Arizona (10), Tennessee (10)
B-	Louisiana (11), Texas (12), West Virginia (13), Connecticut (14), Rhode Island (15), Florida (16)
C+	Hawaii (17)
C	Maine (18), Illinois (19), District of Columbia (20)
C-	Colorado (21), South Carolina (22)
D+	New York (23), Maryland (24), North Carolina (25)
D	Oklahoma (26), Virginia (27)
D-	Indiana (28), Georgia (29)
F	Alaska, Delaware, Idaho, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Pennsylvania, South Dakota, Utah, Vermont, Wisconsin, Wyoming (All ranked 30)

¹ The numbers in parentheses give the state's rank as compared to the school nutrition policies in other states, with (1) being the strongest policy.

State School Foods Report Card 2007



School Foods Report Card 2007

Fueled by concerns about childhood obesity and children's poor diets, a number of states have strengthened their school nutrition policies. Such policies are important for children's health and supporting parents' efforts to feed their children healthfully.

To determine the progress states have made in improving the nutritional quality of school foods, the Center for Science in the Public Interest (CSPI) evaluated the school nutrition policies of all 50 states and the District of Columbia regarding foods and beverages sold outside of the school meal programs through vending machines, a la carte (i.e., foods sold individually in the cafeteria), school stores, and fundraisers. Each state policy was graded based on five key considerations: 1) beverage nutrition standards; 2) food nutrition standards; 3) grade level(s) to which policies apply; 4) time during the school day to which policies apply; and 5) location(s) on campus to which policies apply. These evaluation criteria are the same as those used in our June 2006 School Foods Report Card.

Over the last ten years, states have been strengthening their school nutrition policies. However, overall, our results show that the changes occurring at the state level, while positive, are fragmented, incremental, and not happening quickly enough to reach all schools in a timely way.

The nation has a patchwork of policies addressing the nutritional quality of school foods and beverages and two-thirds of states have weak or no policies. No states received an A grade, though two states (Kentucky and Oregon) received an A-. Sixteen states received a B grade. Thirteen states received Cs or Ds. Twenty states received Fs.

Only twelve states (24%) have comprehensive school food and beverage nutrition standards that apply to the whole campus and the whole school day at all grade levels. More often states have school nutrition standards that only apply to foods and beverages sold in the cafeteria during meal periods, or that apply only to foods and beverages sold up until the end of the last lunch period.

More states have policies to address soda sales in schools than to address any other nutritional consideration. Twenty-seven states prohibit the sale of sugary soft drinks in schools in at least some grade levels. Of those twenty-seven states, 41% (11 states) do not prohibit the sale of soda in high schools and 26% (7 states) prohibit the sale of soda only during the meal periods or up through the end of the last lunch period. (No state is allowed to let schools sell soda in the cafeteria during meal

times due to the U.S. Department of Agriculture's (USDA) national policy.)

Only seven states limit the sale of high-fat whole and 2% milk in schools (milk is the biggest source of saturated fat for most children). Sixteen states limit the sale of sports drinks in some schools, although only five states limit the sale of sports drinks in high schools. Twelve states limit portion sizes for beverages, and fourteen states limit portion sizes for snacks. While sixteen states limit the saturated-fat content of school snacks, only eleven address trans fat, which, gram-for-gram, is even worse for children's hearts and health. Just five states set limits on sodium. Twenty-six states limit added sugars in school snack foods.

Two states - Georgia and South Carolina - only have school nutrition policies for elementary schools (and received low grades as a result). Four states - Arizona, Illinois, Oklahoma, and Tennessee - have school nutrition policies for elementary and middle schools, but not for high schools.

Over the last two decades, rates of obesity have tripled in children and adolescents, and only 2% of children eat a diet that is healthy according to U.S. Department of Agriculture (USDA) criteria. Nationally, 33% of elementary schools, 71% of middle/junior high schools, and 89% of high schools sell foods and beverages out of vending machines, school stores, or a la carte in the cafeteria. The most common items sold include sugary drinks, chips, candy, cookies, and snack cakes. The sale of those foods can negatively affect children's diets, since many are high in calories, added sugars, and fat and low in nutrients.

Federally-subsidized school meals are required to meet detailed nutrition standards set by Congress and the USDA. However, USDA's policy regarding foods sold outside of meals is woefully out of date. Also, USDA does not have authority to regulate foods sold outside the cafeteria or outside of meal times. USDA's policy does not allow "foods of minimal nutritional value" (FMNV) to be sold in the food service area during meal times. But those foods can be sold at any other time or place. USDA defines FMNV as foods that provide less than 5% of the Reference Daily Intake (RDI) for each of eight specified nutrients per serving. Thus, only foods like jelly beans, popsicles, and soft drinks are prohibited. Ironically, though, seltzer water is also forbidden, while candy bars are allowed.

Nutrition science has evolved since USDA implemented its nutrition standards in the 1970s. Over the past several decades, over-consumption of calories, saturated fat, trans fat, refined sugars, and sodium have increasingly become problems in children's diets. Those

constituents are not addressed by USDA's school nutrition standards. The national nutrition standards no longer make sense from the standpoint of science, current dietary patterns, and health.

Since the Truman Administration, school meals have been regulated primarily at the federal level. There are strong national standards for meals. There also should be strong national nutrition standard for foods and beverages sold in schools outside of reimbursable meals.

Given the rising rates of childhood obesity and the poor state of children's diets, the time has come to update the national school nutrition standards for foods and beverages sold out of vending machines, school stores, a la carte, and other school venues. The sale of junk food and sugary drinks in schools is a national problem that needs a national solution.

School Foods Report Card 2007

Summary of State Policies for Foods and Beverages Sold Out of Vending Machines, School Stores, and Other Venues Outside School Meals

State	Policy
Alabama	<p>All schools during meal times, anywhere on campus must:</p> <ul style="list-style-type: none"> * Prohibit the sale of foods of minimal nutritional value (FMNV). * Restrict student access to concessions, extra sales, vending, and fundraisers that are in competition with the Child Nutrition Program. If income from such sales occurs, the revenue is required to be deposited in the Child Nutrition account. * Fundraising activities may not sell FMNV during the school day, for all schools, anywhere on campus. Existing contracts for fundraising that involve FMNV are no longer valid. * No one on the school campus will provide access to FMNV (including any food and beverage listing sugar or high fructose corn syrup as the first ingredient) for sale or free on all school premises until after the end of the last scheduled class (excluding carbonated beverages outside of meal times in high school as described below). <p>The following beverages can be sold in elementary schools:</p> <ul style="list-style-type: none"> * Bottled water of any size. * Low-fat, nonfat and flavored milk and milk alternatives (per USDA); up to 150 calories per 8 oz serving. * 100% juice with no added sweeteners; up to 120 calories with maximum serving of 8 oz. <p>The following beverages can be sold in middle schools:</p> <ul style="list-style-type: none"> * Bottled water of any size. * Low-fat, nonfat and flavored milk and milk alternatives (per USDA); up to 150 calories per 8 oz with maximum serving of 10 oz. * 100% juice with no added sweeteners; up to 120 calories per 8 oz with maximum serving of 10 oz. <p>The following beverages can be sold in high schools:</p> <ul style="list-style-type: none"> * Bottled water of any size. * Low-fat, nonfat and flavored milk and milk alternatives (per USDA); up to 180 calories per 8 oz with maximum serving of 12 oz. * 100% juice with no added sweeteners; up to 120 calories per 8 oz with maximum serving of 12 oz.

Alabama [cont.]	<ul style="list-style-type: none"> * No/low calorie beverages with up to 10 calories per 8 oz; maximum serving of 20 oz. * Other drinks with up to 66 calories per 8 oz; maximum serving of 12 oz. * Vending machines in high schools must contain at least 50% water and no/low calorie options. <p>Foods sold separately through the vending machines, cafeteria snack items (a la carte), and school stores will follow the Alabama's Action for Healthy Kids standards:</p> <ul style="list-style-type: none"> * Snack foods, 1.5 ounce servings: <ul style="list-style-type: none"> * Low or moderate in fat (less than 10% DV of total fat). * Less than 30 g of carbohydrate. * Less than 360 mg of sodium. * Contain 5% DV of either vitamin A, vitamin C, iron, calcium or fiber. * Schools are not allowed to use Child Nutrition Program funds to purchase new fryers. * Sets limits for portion sizes for food and beverages.
Alaska	USDA Regulations ¹
Arizona	<ul style="list-style-type: none"> * Prohibits elementary, middle, and junior high schools from serving or selling any FMNV during the school day on campus. <p><u>Additional Beverage Standards for Grades K-8:</u></p> <ul style="list-style-type: none"> * Water may contain natural or non-caloric sweeteners but cannot contain caffeine or a caffeine derivative. * Fruit and/or vegetable juice must contain no less than 100% fruit and/or vegetable juice for elementary schools and no less than 50% juice, no sugar added, with nutrient values equal to 100% juice for middle and junior high schools. * Yogurt or ice based fruit smoothies must not exceed 400 calories, must contain 100% fruit juice for elementary schools and no less than 50% fruit juice for middle and junior high schools.

¹Under USDA regulations, the sale of "foods of minimal nutritional value" (FMNV) is prohibited during meal times in areas of the school where USDA school meals are sold or eaten. However, FMNV can be sold anywhere else on-campus – including just outside the cafeteria – at any time. A FMNV provides less than 5% of the Reference Daily Intake (RDI) for eight specified nutrients per serving. FMNV include chewing gum, lollipops, jelly beans, and carbonated sodas. Many junk foods are not considered FMNV, such as chocolate candy bars, chips, and fruitades (containing little fruit juice), and therefore are allowed to be sold in the school cafeteria during meal times (and everywhere else on campus throughout the school day).

<p>Arizona [cont.]</p>	<ul style="list-style-type: none"> * 2% or less milk; reduced-fat enriched rice, nut or soy beverages; and flavored milk with no more than 4 grams of sugar per ounce allowed. * Sports drinks/electrolyte-replacement drinks are allowed to be served in middle and junior high schools and may not exceed 12 ounces. <p><u>Additional Food Standards for Grades K-8:</u></p> <ul style="list-style-type: none"> * 35% or less calories from fat (not including nuts, seeds and reduced-fat cheese). * 10% or less calories from saturated fat and trans fat (not including nuts, seeds and reduced-fat cheese). * No more than 35% total sugars by weight (excluding dairy, fruits and vegetables). * Must contain at least 1 gram of fiber (not including dairy and jerky). * Calories: <ul style="list-style-type: none"> * Maximum 400 calories per serving for entrée items sold as a la carte and fruit-based smoothies. * Maximum 300 calories per serving for all other items. * Sodium: <ul style="list-style-type: none"> * Maximum 800 mg of sodium for entrée items sold as a la carte. * Maximum 600 mg of sodium for all other snack items. * All deep-fat fried chips and crackers are prohibited (not including in program meals). * Final preparation method cannot be deep-fat fried (includes program meals). <p>* Portion size restrictions on food and beverages.</p>
<p>Arkansas</p>	<p><u>Elementary Schools:</u></p> <ul style="list-style-type: none"> * No access to food or beverages sold or given away outside meals anytime, including vending, a la carte items, anywhere on school premises during the school day. * French fries can only be served in elementary schools 1 time per week and then must meet portion size limit. * The only additional foods and/or beverages that may be sold are food items sold in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year, including extra milk, fresh fruits, vegetables and/or an extra meal meeting the same requirement as the reimbursable meal. Extra servings of desserts, French fries or ice cream are not allowed. <p><u>Middle/Junior and High Schools:</u></p> <ul style="list-style-type: none"> * FMNV and competitive food are prohibited anywhere on campus for middle, junior high and high schools until ½ hour after the last lunch period ends.

<p>Arkansas (cont.)</p>	<ul style="list-style-type: none"> * Beginning ½ hour after the last lunch period ends, the following nutrition standards apply for middle and high schools: <ul style="list-style-type: none"> * At least 50% of beverages in vending machines, school stores and other sales venues must be 100% fruit juice, low-fat or fat-free milk, or unflavored, unsweetened water. * Whenever competitive foods are sold, a choice of two fruits and/or 100% fruit juices must be offered for sale at the same time and place. * Limits portion sizes. * The Child Nutrition Program may only sell food items in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year, including extra milk, fruits, vegetables, unsweetened unflavored water, other food/beverage items that meet portion size limits and/or an extra meal meeting the same requirements as the reimbursable meal. * Reimbursable meals in all grade levels and a la carte items in middle and high schools must meet the following nutrition standards: <ul style="list-style-type: none"> * All foods sold or offered to students can contain no more than 23 grams of fat/serving. * Flavored milks may contain no more than 30 grams total sugars/8 ounce serving. * Fruits and/or vegetables should be offered daily at all points of service. * French fries and fried potato products are limited by portion size and frequency served/week.
<p>California</p>	<p><u>Elementary Schools</u> Regardless of the time of day, only the following can be sold to pupils:</p> <ul style="list-style-type: none"> * Drinking water with no added sweeteners. * Milk (2%, 1%, nonfat; soy, rice, or other similar nondairy beverages). * Fruit- and vegetable-based drinks with no less than 50% fruit or vegetable juice and no added sweeteners. <p>The only foods that may be sold to a pupil in elementary school during the school day are:</p> <ul style="list-style-type: none"> * Full meals. * Individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit or vegetables that have not been deep fried, and legumes. * An individually sold dairy or whole grain item may be sold if it meets all of the following standards: <ul style="list-style-type: none"> * Not more than 35% calories from fat. * Not more than 10% calories from saturated fat. * No artificial trans fat.

<p>California [cont.]</p>	<ul style="list-style-type: none"> * Not more than 35% sugars (naturally occurring and added sugars) by weight. * Not more than 175 calories per individual food item. <p>* Noncompliant foods and beverages may be sold for fundraising events if the items are sold by pupils and the sale either takes place off school premises or the sale takes place at least one-half hour after the end of the school day.</p> <p><u>Middle and Junior High Schools</u> From one-half hour before to one-half hour after the end of the school day, only the following can be sold to pupils:</p> <ul style="list-style-type: none"> * Drinking water with no added sweeteners. * Milk (2%, 1%, nonfat, soy, rice, or other similar nondairy beverages). * Fruit and vegetable-based drinks with at least than 50% fruit or vegetable juice and no added sweeteners. * Electrolyte replacement beverages with no more than 42 g of added sweetener/20-ounce serving. <p>* Snacks (generally regarded as supplementing a meal) sold to a pupil, except food served as part of a USDA meal program, must meet all of the following standards:</p> <ul style="list-style-type: none"> * Not more than 35% calories from fat (excluding nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes). * Not more than 10% calories from saturated fat (excluding eggs or cheese packaged for individual sale). * No artificial trans fat. * Not more than 35% weight from sugars, including naturally occurring and added sugars (excluding fruits or non-fried vegetables). * Not more than 250 calories per individual food item. <p>* Entrée items (foods generally regarded as being the primary component in a meal) sold to a pupil, except food sold as part of a USDA meal program, must meet all the following standards:</p> <ul style="list-style-type: none"> * No more than 400 calories per entrée. * No more than 4 g of fat/100 calories * Foods categorized as entrée items in the School Breakfast or National School Lunch Programs. <p>* Noncompliant foods may be sold if the sale takes place off of and away from school premises, or the sale takes place at least one-half hour after the end of the school day, or during a school-sponsored pupil activity after the end of the school day.</p>
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<p>California [cont.]</p>	<p><u>High Schools</u> By July 1, 2009 100% of beverages sold to pupils in high schools must meet middle and junior high school standards.</p> <p>High schools follow the food standards stated under Middle and Junior High section.</p>
<p>Colorado</p>	<p>Competitive foods (not including a la carte foods) may not be offered on campus in schools participating in the federal meal programs beginning ½ hour prior to ½ hour after the last regular school lunch or breakfast. This may be waived for competitive, mechanically-vended beverages offered to high school students (outside the cafeteria or outside of meal times).</p>
<p>Connecticut</p>	<p>Candy may not be sold anywhere on campus from ½ hour before to ½ hour after school meal programs. Income from sales of any foods served on campus during this time period must accrue to the food service account.</p> <p>Each local and regional board of education and the governing authority for each state charter school, interdistrict magnet school and endowed academy may only allow the following beverages be sold to students from any source, including school stores, vending machines, school cafeterias, and fundraising activities on school premises, whether or not school-sponsored:</p> <ul style="list-style-type: none"> * Milk that does not contain artificial sweeteners and has no more than 4 grams of sugar/ounce. * Non-dairy beverages such as soy or rice milk that do not contain artificial sweeteners, has no more than 4 grams of sugar/ounce, no more than 35% calories from fat, and no more than 10% calories from saturated fat. * 100% fruit or vegetable juice with no added sugars, sweeteners or artificial sweeteners. * Beverages that contain only water and fruit or vegetable juice and have no added sugars, sweeteners or artificial sweeteners * Water (may be flavored but may not contain added sugars, sweeteners, artificial sweeteners or caffeine). * Beverages except for water may not exceed 12 ounces. * Requires the State Department of Education to set recommended nutritional standards for food sold to students outside of meals by January first of each year (after 2006). Schools are not required to meet the standards, however, the Connecticut Technical High School System, boards of education, and governing authorities whose schools participate in the meal program must certify in their annual application for funding whether the non-exempted food items they serve for that year will meet the standards. If the school district certifies that it will meet the standards, it receives 10 cents extra per lunch served.

Connecticut [cont.]	* Requires governing authorities for state charter schools, interdistrict magnet schools, and endowed academies to make available for purchase by students nutritious and low-fat foods, including low-fat dairy products and fresh or dried fruits, at all times when food is available to students for purchase during the regular school day.
Delaware	USDA Regulations ^A
District of Columbia	<p>DC Public Schools is implementing nutrition standards for all foods and beverages in vending machines campus-wide, for all grade levels. Only the following beverages and snacks are allowed for sale in vending machines until ½ hour after the end of the school day:</p> <ul style="list-style-type: none"> * 100% fruit juices, water/seltzer water, and low-fat or fat-free milk. * All food items must have 30% or less calories from fat, 10% or less calories from saturated fat plus trans fat, and 35% or less of weight from added sugars, excluding those that are naturally found in the food.
Florida	<ul style="list-style-type: none"> * Competitive foods may not be sold in elementary schools all day on the whole campus. * Competitive food and beverage sales from vending machines, school stores and other food sales in secondary schools may only take place one hour after the last lunch period, with the approval of the school board. <ul style="list-style-type: none"> * Carbonated beverages may be sold in high schools at all times (not including where breakfast and lunch is served or eaten) if 100% fruit juice is sold at each location where carbonated beverages are sold. * Noncarbonated beverages in high schools, including 100% fruit juice, may be sold at all times during the day at any location.
Georgia	<ul style="list-style-type: none"> * The sale of foods of minimal nutritional value is not allowed in elementary schools anywhere on campus until the end of the last lunch period. * Middle and high schools follow USDA policy.
Hawaii	<p>Hawaii is currently in the process of resolving two conflicting policies regarding competitive foods in schools.</p> <p>According to the Competitive Food Sales Policy 6810, the sale of food in all elementary and secondary schools shall be limited to the School Breakfast Program, School Lunch Program and approved cafeteria supplementary food items. Schools shall not permit anywhere on campus the sale of other foods from the beginning of the school day to the end of the school day except certain beverages through vending</p>

<p>Hawaii [cont.]</p>	<p>machines. Beverages, other than water, may not be sold from vending machines during meal service periods.</p> <ul style="list-style-type: none"> * All foods and beverages sold at school to students must comply with the current USDA Dietary guidelines (including vending and a la carte items). * No FMNV can be sold anywhere on school property. * No food or beverage items listing sugar, in any form, as the first ingredient (such as candy) can be sold anywhere on school property. * Foods containing trans fat cannot be sold anywhere on school property. <p>According to Wellness Guidelines established as part of BOE Policy 1110-6, all snack and beverage items sold or served anywhere on school campus, including a la carte items, fundraisers, classrooms, or through reimbursable After School Snack Programs, must meet the following standards:</p> <ul style="list-style-type: none"> * No more than 8 g of total fat per serving (nuts and seeds are exempt). * No more than 2 g of saturated fat per serving. * Beverages cannot exceed 12 oz, except for water and 1% and non-fat milk. * Products containing 2% or more milk fat cannot exceed 8 oz. * Limit sugar. <p>Additional regulation:</p> <ul style="list-style-type: none"> * It is unlawful for any public school, without the written permission of the department, to operate stores or sell merchandise except for school lunches, milk, ice cream, candy, and products made from the school.
<p>Idaho</p>	<p>USDA Regulations^A</p>
<p>Illinois</p>	<p>All schools shall adhere to the following requirements for foods and beverages sold to students in grades 8 or below, before school and during the regular school day, except if the food or beverage is sold to students as part of the reimbursable meal or if the food is sold within the food service area during meal periods (i.e., nutrition standards do not apply to a la carte foods).</p> <p>Beverages that may be sold:</p> <ul style="list-style-type: none"> *Water containing no flavoring, sweeteners or carbonation. * Flavored or unflavored whole, 2%, 1% and non fat milk. * Reduced-fat and enriched alternative dairy products (approved by USDA). * Fruit and vegetable drinks containing 50% or more juice. * Fruit smoothies (yogurt or ice based) containing less than.

<p>Illinois [cont.]</p>	<p>400 calories and no added sugars, made from fresh or frozen fruit or fruit drinks containing at least 50% fruit juice.</p> <ul style="list-style-type: none"> * Any other beverage exempted from FMNV standard <p>Foods that may be sold to students outside of food service areas during the entire school day or within food service areas <u>other than</u> during meal periods must adhere to the following nutrition standards:</p> <ul style="list-style-type: none"> * Nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruits or non-fried vegetables, or low-fat yogurt products * Any food item with no more than 35% of total calories from fat, no more than 10% total calories from saturated fat, no more than 35% sugars by weight and no more than 200 calories per serving <p>Schools may apply for exemptions if the school can demonstrate that its existing food or beverage contract does not allow the school to offer only foods and beverages meeting the requirements. Exemptions may also be given for schools that do not have the facilities to distinguish between food and beverage sales to students in grades 8 and below with food and beverage sales to students in grades 9 and above.</p> <ul style="list-style-type: none"> * During meal periods, no confections, candy or potato chips can be sold in schools in which grades 5 and below are operating.
<p>Indiana</p>	<p>In elementary schools, food and beverage vending machines may not be accessible to students.</p> <p>50% of all food and beverages sold outside of the meal programs to students K-12 during the school day must meet the following nutrition standards:</p> <p><i>Beverage standards:</i></p> <ul style="list-style-type: none"> * Fruit- or vegetable-based drinks with no less than 50% fruit or vegetable juice with no added caloric sweeteners. * Water and seltzer water with no added caloric sweeteners. * Low fat and fat free milk, including chocolate milk, soy, rice and other similar nondairy beverages. * Isotonic beverages. <p><i>Food standards:</i></p> <ul style="list-style-type: none"> * Not more than 30% calories from fat. * Not more than 10% of calories from saturated and trans fat. * Not more than 35% weight from sugars that do not occur naturally in fruits, vegetables, or dairy products. * Limits food and beverage portion sizes.

Iowa	USDA Regulations ^A
Kansas	USDA Regulations ^A
Kentucky	<p>* No foods or beverages may be sold outside the school meal program (except a la carte) on campus until ½ hour after last lunch period.</p> <p>* Beverages and food offered for sale through a vending machine, school store, canteen, or fundraiser on all public school campuses during the period of time beginning 30 minutes after the last lunch must adhere to the following nutrition standards:</p> <p><u>Beverages:</u></p> <ul style="list-style-type: none"> * 1% or fat-free milk (flavored or unflavored). * Plain or flavored, noncaloric, noncarbonated water. * 100% fruit or vegetable juice or any combination of both totaling 100% (may exceed 10 grams of sugar per serving). * Any other beverage that contains no more than 10 grams of sugars per serving. * Portion size limit of 17 ounces for elementary school beverages and 20 ounces for middle and high school beverages (not including water). <p><u>Food:</u></p> <ul style="list-style-type: none"> * Calories from fat shall not exceed 30% (not including 2% or less milk-fat cheese, nuts, seeds, and nut butters). * Calories from saturated fat shall not exceed 10%. * Sugars shall not exceed 32% by weight and grams of sugars shall not exceed 14 grams (including naturally-occurring and added sugars) and excluding fruits and vegetables. * Sodium: <ul style="list-style-type: none"> * Chips, cereals, crackers, baked goods, and other snack items shall not contain more than 300 mg of sodium per serving. * Pastas, meats, and soups shall not contain more than 450 mg of sodium per serving. * Pizza, sandwiches, and main dishes shall not contain more than 600 mg of sodium per serving. * Portion size restrictions for foods. <p>* Food and beverage standards apply to a la carte items offered for sale on the cafeteria line during the serving of breakfast or lunch. Schools may offer for a la carte sale any food item that is creditable under the federal school program meal patterns.</p> <p>* Each school must limit access to retail fast food in the cafeteria (contract, commercial vendor, or otherwise) to no more than one day each week.</p>

Kentucky [cont.]	* A school shall follow the minimum standards specified unless a waiver has been requested by the school district for the school from the Kentucky Board of Education. Any waiver approved by the Board of Education shall be reviewed on an annual basis.
Louisiana	<p>No FMNV (such as soda) can be sold anywhere on campus the entire day for all elementary and middle schools.</p> <p>A la carte meal service is prohibited for all grades. All meals are priced as a unit. Items such as milk, full strength fruit juice and unflavored water can be sold without the purchase of a meal.</p> <p><u>In public elementary and secondary schools</u> the following beverages may be sold at any time during the school day:</p> <ul style="list-style-type: none"> * Water (unsweetened flavored or unflavored drinking water) and milk (low-fat, skim, flavored and non-dairy) of any size. * Allow 100% fruit and vegetable drinks that do not contain added natural or artificial sweeteners and do not exceed sixteen ounces in size. <p>Food items that can be sold to <u>elementary and middle schools</u> <u>after</u> the end of the last lunch period include:</p> <ul style="list-style-type: none"> * Snacks or desserts (not including unsweetened or uncoated seeds or nuts) that: <ul style="list-style-type: none"> * Have less than 150 calories/serving. * Have less than 35% of calories from fat. * Have less than 30 g of sugar/serving. * Fresh pastries may not be sold on the school grounds during the school day. <p><u>In high schools</u>, beginning the last 10 minutes of each lunch shift:</p> <ul style="list-style-type: none"> * The selection of beverages offered for sale to students shall be comprised of no less than 50% water, milk, and 100% fruit and vegetable drinks. * 50% of the selection of foods offered for sale to students shall meet the following standards (not including unsweetened or uncoated seeds or nuts): <ul style="list-style-type: none"> * Have less than 150 calories/serving. * Have less than 35% of calories from fat. * Have less than 30 g of sugar/serving.
Maine	* Any food or beverage sold at any time on school property of a school participating in the federal meal programs must be a planned part of the total foodservice program.

Maine [cont.]	<p>* Foods of minimal nutritional value may not be sold at schools at any time (with exceptions available for staff and community events).</p> <p>Bill LD 796 enacted in June 2005 requires the Department of Education to establish standards for food and beverages sold or distributed outside school meal programs on school grounds. These standards must include maximum portion sizes (except for milk) that are consistent with single-serving standards established by the U.S. Food and Drug Administration.</p> <p>By September 1, 2008, food service programs must post calorie information for prepackaged a la carte items at the point of decision.</p>
Maryland	Prohibits the sale of FMNV anywhere on campus from 12:01 a.m. until the end of the last lunch period for all schools.
Massachusetts	USDA Regulations ^A
Michigan	USDA Regulations ^A
Minnesota	USDA Regulations ^A
Mississippi	<p>From one hour before the start of any meal services period until the end of the last meal period, no food or beverage items can be sold on the school campus. During meal periods, food items are only allowed to be sold through the school food service. School food service shall serve only those foods that are components of the approved federal meal patterns (or water or milk products) and such additional foods as necessary to meet the caloric requirement of the age group being served. With the exception of water and milk products, a student may purchase the individual components of the meal only if the full meal also is being purchased.</p> <p>Outside of meal periods, as of the 2008-2009 school year, only the following beverage options may be sold through vending, student stores, snack bars and other fundraising programs: <u>Elementary:</u></p> <ul style="list-style-type: none"> * Bottled water. * Low-fat and non-fat milk and flavored milk, including nutritionally equivalent milk alternatives, with no more than 160 calories per 8 oz serving. * 100% juice containing at least 10% of the recommended daily value for three or more vitamins and minerals, no added sweeteners and no more than 120 calories per 8 oz. * Portion size limit of 8 oz for milk and juice.

<p>Mississippi [cont.]</p>	<p><u>Middle School:</u> * Same beverage guidelines as elementary schools except the portion size limit is 10 oz for milk and juice.</p> <p><u>High School:</u> * Bottled water. * No/low calorie beverages with no more than 10 calories per 8 oz. * Low-fat and non-fat milk and flavored milk, including nutritionally equivalent milk alternatives, with no more than 160 calories per 8 oz serving. * 100% juice containing at least 10% of the recommended daily value for three or more vitamins and minerals, no added sweeteners and no more than 120 calories per 8 oz. * Light juices and sports drinks with no more than 66 calories per 8 oz. * At least 50% of beverages must be water and no/low calorie options. * Portion size limit of 12 oz for milk, juice, light juice and sports drinks.</p> <p>Outside of the meal periods, as of the 2008-2009 school year all foods offered through vending, snack bars, student stores and other fundraising programs must meet the following standards:</p> <ul style="list-style-type: none"> * At least 5% of the recommended daily value for three or more nutrients (fiber, Vitamins A, C, D, E; thiamin, niacin, riboflavin, calcium, iron, zinc or 3 g protein). * No more than 200 calories per package. * No more than 35% calories from fat with a 7 g maximum, excluding nuts, seeds, peanut and other nut butters, and cheeses. * No more than 10% calories from saturated and/or trans fat with a 2 g maximum, excluding nuts, seeds, peanut and other nut butters, and cheeses. * No more than 35% added sugar by weight with a 15 g maximum, excluding sugars naturally occurring in fruits, vegetables and dairy. * No more than 5 g total sugar per ounce for smoothies, yogurt and pudding. * Must include fruits and vegetables anywhere snack items are sold.
<p>Missouri</p>	<p>USDA Regulations^A</p>
<p>Montana</p>	<p>USDA Regulations^A</p>
<p>Nebraska</p>	<p>* USDA Regulations. In addition, no food or beverage can be sold to children anywhere on school premises of schools participating in the federal meal programs beginning one half hour before breakfast and lunch until one half hour after meal</p>

Nebraska [cont.]	service unless all proceeds earned during these time periods go to the school nutrition program.
Nevada	<p>Requires the following nutrition guidelines for all foods made available to elementary, middle/junior high and high school students, whether given away, earned, or sold, on the school campus during the school day:</p> <ul style="list-style-type: none"> * No FMNV. * Fat limited to 30% of calories (not including nuts, seeds, fluid milk products containing 2% or less fat, and cheese or yogurt made from reduced-fat, low-fat, or fat-free milk). * Saturated fat limited to 10% of calories. * Sodium: no more than 600 mg/serving. * Sugars: no more than 35% by weight (not including sugars from fruits and vegetables when used as additives). * Electrolyte replacement beverages are not allowed in elementary schools and may not exceed 12 ounces for middle/junior and high schools. * Snacks and beverages must meet portion size limits. <p>* Each local educational agency may establish a policy that allows exemptions for food that exceed the established nutrition parameters in observance of state or national holidays, established religious observances, school community observances such as birthday parties, as part of a learning experience related to the reinforcement of established lesson plans in the classroom (this exemption does not allow for an exemption toward the sale of foods as part of a business enterprise or fundraising activity).</p> <p>* Each district must develop and implement a local wellness policy. The local wellness policy may be more restrictive than the state policy, but may not be less restrictive.</p>
New Hampshire	USDA Regulations ^A
New Jersey	<p>All public schools K-12 with breakfast/lunch programs must adhere to the following requirements anywhere on school property, during the school day:</p> <ul style="list-style-type: none"> * Not serve, sell, or give out as free promotion FMNV, items listing sugar in any form as the first ingredient, and candy. * Snacks and beverages sold must have no more than 8 g of fat/serving (not including nuts and seeds) and no more than 2 g of saturated fat/serving.

<p>New Jersey [cont.]</p>	<ul style="list-style-type: none"> * In middle and high schools, no more than 40% of all ice cream/frozen desserts may exceed fat and saturated fat standards. * Beverages may not exceed 12 ounces (not including water or milk containing 2% or less fat). Whole milk may not exceed 8 ounces. <li style="padding-left: 20px;">* The only beverages that may be sold in elementary schools are milk, water and 100% fruit or vegetable juices. * In middle and high schools, at least 60% of all beverages offered (other than milk and water) must be 100% fruit or vegetable juice. No soda. * Schools must reduce the purchase of any products containing trans fats.
<p>New Mexico</p>	<p>Foods and beverages sold in schools during the school day in vending machines, a la carte and fundraising can include the following:</p> <p><u>Elementary Schools:</u></p> <ul style="list-style-type: none"> * Beverages sold in vending machines may only be sold after the last lunch period and may only include 2% or less milk, soy beverages and water. These are also the only a la carte beverages allowed during the lunch period and are the only beverages allowed as a fundraiser during the school day (not including during the lunch period). * No carbonated drinks allowed. * No food products may be sold to students from vending machines. <p><u>Middle & High Schools:</u></p> <ul style="list-style-type: none"> * Only the following beverages may be sold to students from vending machines: water, 2% or less milk, soy beverages and 50% fruit juice in high schools and 100% fruit juice in middle schools (juices in high and middle schools cannot contain added sweeteners, have more than 125 calories/container, or have serving sizes exceeding 20 ounces). * The beverages above are the only a la carte beverages allowed during the lunch period and are the only beverages allowed as a fundraiser during the school day (not including the lunch period). * Carbonated beverages may not be sold to students in middle schools. * High schools also may sell sugar-free/caffeine-free soft drinks, non-carbonated flavored water with no added sweeteners, and sports drinks in vending machines only after the last lunch period is completed.

<p>New Mexico [cont.]</p>	<p>* Foods meeting the following guidelines may be sold in vending machines after the last lunch period is completed for middle schools and at any time in high schools (nuts, seeds, cheese, yogurt, and fruit may be sold at any time in middle and high school):</p> <ul style="list-style-type: none"> * Foods with no more than 200 calories per container, per package, or amount served; no more than 8 g of fat/serving with no more than 2 g of saturated plus trans fat/serving; and no more than 15 g of sugars/package. * These food items are also allowed as fundraisers except during the lunch period. * Food products sold in elementary, middle and high schools during the lunch period as a la carte sales must meet the following guidelines (nuts, seeds, cheese, yogurt and fruit do not have to meet the standards and can be sold): <ul style="list-style-type: none"> * No more than 400 calories per container, per package, or amount served; no more than 16 grams of fat with no more than 2 grams from saturated and trans fat combined; and no more than 30 g of total sugars. * Food and beverages may be sold as fundraisers outside of normal school hours for elementary, middle and high schools as long as at least 50% of the choices/offerings meet the nutrition standards for high school vending.
<p>New York</p>	<p>Prohibits the sale of FMNV and all other candy from the beginning of the school day until the end of the last scheduled meal in any public school within the state.</p>
<p>North Carolina</p>	<p>Requires products sold in vending machines outside the school cafeteria during the school day to meet the following standards:</p> <p><u>Beverages:</u></p> <ul style="list-style-type: none"> * Soft drinks may not be sold in elementary schools and may not be sold in middle and high schools during breakfast and lunch periods. * Sugared carbonated soft drinks, including mid-calorie carbonated soft drinks, may not be sold in middle schools (diet sodas are allowed). * Not more than 50% of the offerings for sale to students in high school may be sugared carbonated soft drinks (diet sodas are not counted in the 50%). * Bottled water products must be available in every school that has beverage vending.

<p>North Carolina [cont.]</p>	<p>Snacks must meet the following standards for vending:</p> <ul style="list-style-type: none"> * No snack vending will be available to students in elementary schools. * In middle and high schools, 75% of snacks may not have more than 200 calories per portion or package. * Revenues from the sale of all foods and beverages sold to students before the last child is served lunch must accrue to the Child Nutrition Program. <p>* The State Board of Education, in direct consultation with a cross section of local directors of child nutrition services, shall establish statewide nutrition standards for school meals, a la carte foods and beverages, and items served in the After School Snack Program. The nutrition standards will promote gradual changes to increase fruits and vegetables, increase whole grain products, and decrease foods high in total fat, trans fat, saturated fat, and sugar.</p> <p>* Nutrition standards for elementary schools have been adopted by the State Board of Education. The standards must be implemented in all elementary schools no later than the first day of the 2008 school year.</p> <p>* A la carte items must meet the following criteria:</p> <ul style="list-style-type: none"> * No more than 35% calories from total fat, excluding seeds and nuts. * No more than 10% calories from saturated fat. * No more than 1% calories from trans fat. * No more than 35% sugars by weight. * Item must be in the same serving size as offered that day as part of the reimbursable program with a limit of one additional entrée portion. * Single serving dairy products can contain no more than 200 calories. * Preparation methods for fruit and vegetables limited to baking, roasting, broiling, boiling and steaming. <p>* The following beverages can be served:</p> <ul style="list-style-type: none"> * Water. * 1% or nonfat milk. * Fruit juice containing 50% or more juice and no added sweeteners, 8 oz max portion. * 100% frozen food products with no added sweeteners, 8 oz max portion. <p>* Public schools cannot use cooking oils in their school food programs that contain trans fat or sell processed foods that contain trans fat that were formed during the commercial processing of the foods.</p>
<p>North Dakota</p>	<p>USDA Regulations^A</p>
<p>Ohio</p>	<p>USDA Regulations^A</p>

Oklahoma	<ul style="list-style-type: none"> * FMNV are prohibited in elementary schools except on special occasions. * FMNV (other than diet soda) are prohibited in middle and junior high school except after school, at events which take place in the evening, and on special occasions. <ul style="list-style-type: none"> * In middle and junior high schools, diet soda with less than 10 calories per bottle or can is allowed during the school day. * Each district shall provide incentives, such as lower prices or other incentives, to encourage healthy food choices for high school students and ensure that healthy options are available at school.
Oregon	<p>All food and beverage items sold in K-12 schools at all times during the regular or extended school day when activities in the school are primarily under the control of the school, must meet, at a minimum, the following standards:</p> <p><u>Snack Items:</u></p> <ul style="list-style-type: none"> * Sold only in a single serving size. * No more than 35% of calories from total fat. This does not apply to snacks that are legumes, nuts, nut butters, seeds, eggs, non-fried vegetables, and cheese. * No more than 10% of calories from saturated fat. This does not apply to snacks that are nuts, eggs and cheese. * No more than 35% sugar by weight. This does not apply to fruits and vegetables. * No more than 0.5 g of trans fat per serving. * Snack items may not contain more than the following calories: <ul style="list-style-type: none"> * 150 calories in schools in which the highest grade level is grade 5 or less. * 180 calories in schools in which the highest grade level is grade 6, 7, or 8. * 200 calories in schools in which the highest grade level is 9, 10, 11, or 12. <p><u>Entrée items sold individually:</u></p> <ul style="list-style-type: none"> * No more than 4 g of fat per 100 calories. * No more than 450 calories. <p><u>Beverages:</u></p> <ul style="list-style-type: none"> * All beverages sold in schools in which the highest grade level is grade 5 or less must be: <ul style="list-style-type: none"> * Water. * 100% fruit or vegetable juice with no added sweeteners and containing no more than 120 calories. * Unflavored low-fat or fat-free milk or nutritionally equivalent milk alternative. * Flavored low-fat or fat-free milk or nutritionally

Oregon [cont.]	<p>equivalent milk alternative containing no more than 150 calories.</p> <p>* Maximum portion size for beverages, except for water, is 8 oz.</p> <p>* All beverages sold in schools in which the highest grade level is grade 6, 7 or 8 must be:</p> <ul style="list-style-type: none"> * Water. * 100% fruit or vegetable juice with no added sweeteners and containing no more than 120 calories per 8 oz. * Unflavored low-fat or fat-free milk or nutritionally equivalent milk alternative. * Flavored low-fat or fat-free milk or nutritionally equivalent milk alternative containing no more than 150 calories per 8 oz. <p>* Maximum portion size for beverages, except for water, is 10 oz.</p> <p>* All beverages sold in schools in which the highest grade level is grade 9, 10, 11 or 12 must be:</p> <ul style="list-style-type: none"> * Water. * 100% fruit or vegetable juice with no added sweeteners and containing no more than 120 calories per 8 oz. * Unflavored low-fat or fat-free milk or nutritionally equivalent milk alternative. * Flavored low-fat or fat-free milk or nutritionally equivalent milk alternative containing no more than 150 calories per 8 oz. * No or low-calorie beverages with no more than 10 calories per 8 oz. * Beverages that contain no more than 66 calories per 8 oz, in packages no larger than 12 oz. * Maximum portion size for beverages (except no/low calorie beverages and water) is 12 oz.
Pennsylvania	<p>USDA Regulations.^A In addition, the state provides a supplemental reimbursement incentive for schools that adopt and implement recommended nutrition standards for foods and beverages as a part of their wellness policy.</p>
Rhode Island	<p>All schools K-12 that sell or distribute beverages and snacks on their premises, including those sold through vending machines, shall be required to offer only healthier beverages and snacks as defined below. Standards do not apply to a la carte items (including entrée type items) that are available as components of the school meal program. (State has additional standards that are recommended but not required.)</p>

<p>Rhode Island [cont.]</p>	<p><u>Beverages:</u></p> <ul style="list-style-type: none"> * Water, including carbonated, flavored or sweetened with 100% fruit juice and containing no additional added sweetener. * 2%, 1% and nonfat milk, and dairy alternatives such as fortified soy beverages; plain or flavored with no more than 4 g of sugar per 1 oz. * 100% fruit juice or fruit based drinks composed of no less than 50% fruit juice with no added sweetener. * Vegetable based drinks composed of no less than 50% vegetable juice with no added sweetener. <p><u>Snacks:</u></p> <ul style="list-style-type: none"> * Individually sold portions of nuts, nut butters, seeds, eggs, and cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes. * Individually sold portions of low fat yogurt with no more than 4 g of total carbohydrates (including both naturally occurring and added sugars) per 1 oz. * Reduced-fat or low-fat cheese packaged for individual sale. * Individually sold enriched or fortified grain or grain product; or whole grain food items that meet the following standards: <ul style="list-style-type: none"> * No more than 30% of total calories from fat. * No more than 10% of total calories from saturated fat. * No more than 7g of total sugar (including naturally occurring and added sugars) per 1 oz.
<p>South Carolina</p>	<p>The following nutrition standards apply to foods and beverages sold outside of school meals in elementary schools (K-5):</p> <ul style="list-style-type: none"> * Low-fat, fat-free, and 2% milk, water, and 100% juices that do not contain added sugars or sweeteners must be available to all students. * Soda, soft drinks, sports drinks, punches, iced teas and coffees, and fruit-based drinks that contain less than 100% real fruit juice or that contain added sweeteners may not be sold or served during the school day. * Only water, nonfat, low-fat or reduced-fat milk beverages may be sold in portions larger than 12 ounces. <p>* Snacks, sweets, and side dishes (excluding nuts, seeds, and some cheeses) must have no more than 30% calories from fat, less than 10% calories from saturated fat, no more than ~1% calories from trans fat, and no more than 35% added sugars by weight.</p>
<p>South Dakota</p>	<p>USDA Regulations^A</p>

Tennessee	<p>Requires the following minimum nutrition standards for individual food items offered for sale to students in grades pre-kindergarten through eighth grade, anywhere on campus, during the school day:</p> <ul style="list-style-type: none"> * Beverages may only include milk (flavored or unflavored; reduced-fat, low-fat or fat-free milk; USDA approved alternative dairy beverages); 100% fruit and vegetable juices; water that is non-flavored, non-sweetened, and non-carbonated; and low-calorie beverages (includes flavored, sweetened, and non-carbonated beverages containing no additional caloric sweeteners and no more than 15 calories/serving). * Food items must have 35% or less calories from fat (excluding nuts, seeds and nut butters), 10% or less calories from saturated fat, and 35% or less sugars by weight (not including fruits and vegetables). * Chips, cereals, crackers, French fries, baked goods, and other snack items may contain no more than 230 mg of sodium/serving; pastas, meats, and soups may contain no more than 480 mg per serving; and pizza, sandwiches, and main dishes may contain no more than 600 mg of sodium. * Limits portion sizes for foods and beverages (except for fruits and vegetables).
Texas	<p><u>All grade levels:</u></p> <ul style="list-style-type: none"> * There are nutrition standards for the whole campus, whole school day. * There are specific portion size and fat and/or sugars standards for a number of snacks and beverages. * Flavored whole, 2%, 1% and fat-free milks can be sold; may contain no more than 30 g total sugars per 8 oz serving; 8 oz maximum portion for whole milk and 16 oz for other milks. * Fruits and vegetables (preferably fresh) must be offered daily at all points of service. * Individual food items may not contain more than 23 g of fat/serving with the exception of one item per week (that item cannot exceed 28 g of fat/serving). * Must eliminate frying as a method of on-site preparation for foods served as part of school meals, a la carte, snack lines and competitive foods. * Beginning with the 2007-08 school year, all schools should reduce the purchase of products containing trans fat. Trans fat information must be requested in all product specifications. <p><u>Elementary schools:</u></p> <ul style="list-style-type: none"> * FMNV, carbonated beverages, candy or any food or beverage that is not provided by the school food service are not permitted, anywhere on campus until the end of the last

<p>Texas [cont.]</p>	<p>scheduled class.</p> <ul style="list-style-type: none"> * All beverages served should be milk, unflavored water, or 100% fruit and/or vegetable juices. No sports drinks may be served or sold. * French fries and other previously fried potato products may not exceed 3 ounces and are limited to one day/week. Potato products must be baked for on-site preparation. <p>* Foods otherwise restricted by the policy are permitted at student birthday parties. Policy recommends parties be scheduled after the end of the class's lunch period.</p> <ul style="list-style-type: none"> * Elementary classrooms may allow one nutritious snack per day under the teacher's supervision. The snack (homemade or prepackaged) must comply with the fat and sugar limits, must be single size servings and may not contain any FMNV or consist of candy or dessert-type items. * No food or beverage fundraising is allowed anywhere on the school campus until after the end of the last scheduled class. <p><u>Middle schools:</u></p> <ul style="list-style-type: none"> * No foods can be sold other than by school food service from 30 minutes before to 30 minutes after the meal periods. * FMNV, candy, and carbonated beverages may not be sold anywhere on campus until after the end of the last scheduled class. * Beverages (other than milk and FMNV) with no more than 30 g sugars per 8 oz and in containers no larger than 12 oz can be sold (might include sports drink, fruit drinks, sweetened iced teas, etc.) * French fries and other previously fried potato products may not exceed 3 ounces and may be served three times a week. Potato products must be baked for on-site preparation. * No food or beverage fundraising is allowed anywhere on the school campus from 30 minutes before until 30 minutes after the meal periods. All foods and beverages sold for fundraising must comply with nutrition standards and portion size restrictions of the policy. <p><u>High Schools:</u></p> <ul style="list-style-type: none"> * No foods can be sold other than by school food service during meal periods in the areas where school meals are served and eaten. * By the school year 2009-10, FMNV, candy, and carbonated beverages may not be sold anywhere on campus until after the end of the last scheduled class. <ul style="list-style-type: none"> *During school year 2007-08, no more than 30% of beverages in vending machines or other service points are allowed to be sugared, carbonated soft drinks. These drinks are limited to no more than 12 oz per serving. In school year 2008-09, this decreases to 15% of vending
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Texas [cont.]	<p>machine slots or other service points.</p> <ul style="list-style-type: none"> * Beverages (other than milk and FMNV) with no more than 30 g sugars per 8 oz and in containers no larger than 12 oz can be sold (could include sports drink, fruit drinks, sweetened iced teas, etc.) * French fries and previously fried potato products may not exceed 3 ounces and may only be purchased one serving at a time. Potato products must be baked for on-site preparation. * No food or beverage fundraising is allowed during meal periods in areas where reimbursable meals are served or consumed. All foods and beverages sold for fundraising must comply with nutrition standards and portion size restrictions of the policy.
Utah	USDA Regulations ^A
Vermont	USDA Regulations ^A
Virginia	<p>All foods and beverages sold in all Virginia schools during meal periods, on the whole campus, must either be a recognized component of the food-based meal pattern or must not be a FMNV. Iced/hot coffee or tea may not be sold to students. Non-carbonated water may be sold.</p>
Washington	<p>By 2010, schools shall provide only healthy foods and beverages (as described below) during school hours or for school-sponsored activities on school campuses. Standards apply to all school foods and beverages available outside of USDA meal programs:</p> <ul style="list-style-type: none"> * No more than 35% of total calories from fat. Does not apply to nuts, nut butters, seeds, eggs, fresh and dried fruits, vegetables that have not been deep-fried, legumes, reduced-fat or part-skim cheeses, and non-fat or low-fat dairy products. * No more than 10% of total calories from saturated fat. Does not apply to eggs, reduced-fat or part-skim cheeses, and non-fat or low-fat dairy products. * No more than 35% total weight or 15 g per food item of sugars, including naturally occurring and added sugars. Standard does not apply to fresh or dried fruits and vegetables that have not been deep-fried. * Standards do not apply to low-fat or nonfat flavored milk with up to 30 g of sugars per serving, nonfat or low-fat rice or soy beverages, or 100% fruit or vegetable juice.
West Virginia	<ul style="list-style-type: none"> * Only meal components may be sold as a la carte for breakfast. Only fluid milk, milkshakes and bottled water (100% natural spring water containing no additives) may be served as a la carte items during lunch for all grades.

<p>West Virginia [cont.]</p>	<p>* No food may be sold outside school meals in elementary schools until 20 minutes after all students are served lunch.</p> <p><u>Beverages:</u></p> <p>* County boards may permit the sale of soft drinks in county high schools except during breakfast and lunch periods as follows:</p> <ul style="list-style-type: none"> * Soft drinks may not be sold in elementary schools through vending machines, school stores, canteens or fundraisers. * In middle schools, only water, 100% fruit and vegetable juice and low-fat milk may be sold through vending machines, school canteens, fundraising, or by any other means. * In high schools selling soft drinks during the school day, 50% of beverages offered for sale must be water, 100% fruit and vegetable juice and low-fat milk. <p><u>All foods sold outside of the meal program during the school day must:</u></p> <ul style="list-style-type: none"> * Not be candy, chewing gum, or flavored ice bars. * Contain no more than 40% sugars by weight. * Have no more than 8 grams of fat per one ounce serving or, must have no more than 30% of calories from fat and no more than 10% of calories from saturated fat.
<p>Wisconsin</p>	<p>USDA Regulations^A</p>
<p>Wyoming</p>	<p>USDA Regulations^A</p>



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Delaware educators on a nutrition mission

Although the state has no food standards, some schools take the initiative

By ALISON KEPNER, The News Journal
Posted Tuesday, December 18, 2007

In Concord High School's cafeteria, pizza crusts are whole wheat, chicken nuggets are soy and fresh fruits and vegetables are on the menu daily.

At Christina's Brader Elementary, students pedal stationary bicycles in the library as they turn the pages of the latest Magic Treehouse book.

And at Laurel Middle School, students spend the last 10 minutes of their lunch break trying to move their feet fast enough to keep pace with a Dance Dance Revolution game in the cafeteria.

Over at the Delaware Military Academy charter school, cadets monitor their heart rates and blood pressure with stethoscopes and blood pressure cuffs.

These are a few of the innovative programs Delaware educators are piloting in schools across the state as they look for new ways to encourage children to eat healthier and exercise more.

They have strong motivation: About 17 percent of Americans age 6 to 19 are overweight, triple the figure in the 1970s. The number of overweight children ages 2 to 5 has doubled in the same period, according to the Centers for Disease Control and Prevention.

Delaware's problem is severe: 36 percent of the state's children ages 2 to 17 are overweight or at risk of becoming overweight, according to a 2005 report by Nemours Health and Prevention Services.

"It's a community problem we need to all work together on," said John Ray, state education associate for physical education.

That is why representatives from five Delaware districts -- Appoquinimink, Brandywine, Christina, Red Clay Consolidated and Woodbridge -- and a charter school, Delaware Military Academy, met this month in Dover to showcase healthy practices and success stories from their schools. The Nemours Health and Prevention Services conference also gave teams time to start developing action plans to implement some of the shared ideas at their districts or schools.

More greens, less sugar

Districts across the state have switched to whole wheat rolls, pizza crusts and cookies while replacing as many canned fruits and vegetables as possible with fresh produce.

But that may not be enough.

"Providing nutritious meals does not mean children always take a nutritious combination," said state School Nutrition Programs Director Huida Harris-Russell.

Many choose a la carte chips and ice cream over an apple and a salad, regardless if the greens are bagged iceberg lettuce or fresh baby spinach.

While federally subsidized school lunches must meet U.S. Department of Agriculture nutritional standards, the same regulations don't apply to a la carte foods. And the USDA has no authority to regulate food sold outside the cafeteria, such as sugary sodas and fruit drinks or fat-laden candy bars hawked in school vending machines.

Delaware has no standards of its own, the main reason why the Center for Science in the Public Interest gave the state an "F" last month on its School Food Report Card. No states earned an "A," though Kentucky and Oregon each received an A-. Six states got a B+; nine earned a B or B-; six had C's; seven received D's; the remaining 20 failed either for having no policies or, in CSPI's view, very weak policies.

CSPI found only 11 states have comprehensive food and beverage standards that apply to the entire campus all-day for all grade levels.

In a statement announcing the findings, CSPI Nutrition Policy Director Margo Wootan complained that a majority of states -- Delaware included -- still rely on USDA's "outdated" school nutrition standards: "Those national standards limit only the sale of jelly beans, lollipops and other so-called 'foods of minimal nutritional value.' Those standards don't address calories, saturated and trans fat, sodium or other key nutrition concerns for children today."

Although no state regulations mandate it, many school nutrition directors are working to improve the nutritional value of all their offerings, pressuring vendors to offer varieties with lower sodium and lower fat.

In the Brandywine School District, regular chips are out, baked crisps are in. Every hamburger roll and slice of bread is whole wheat. Snack items with more than 35 percent of their calories from fat or sugar are banned.

During a recent lunch at Concord High, students' choices included whole wheat breaded fish sticks, chicken teriyaki over rice, and wraps made with whole wheat tortillas. A salad bar featured lots of greens, fresh sliced strawberries and a variety of fat-free dressings. In the snack line, students could buy 100-calorie pack Chips Ahoy crisps, bags of nuts or Baked Doritos.

Carrot and celery sticks, cucumber slices, grape tomatoes, broccoli and cauliflower are free for the taking every day.

"We just absorb the cost. We want them to try it," said district School Nutrition Supervisor Pam Gouge.

Junior Ryan Shaer was one of many students grabbing carrot sticks. But while he is a fan of the raw veggies, he wishes the pizza crusts weren't whole wheat.

"I like regular pizza better, but it's all they've got," he said.

Cauliflower-lover Julia Smith, a sophomore, said she actually likes the soy chicken nuggets better than the regular variety. "They are more crispier and stuff."

Senior Megan Molineux isn't sold on any of the changes. She loaded up on salad but said that was only because she couldn't stomach the other offerings.

"I would like more normal food -- not everything wheat and gross," she said.

School nutrition workers say they know they won't please everyone, but they feel better knowing, at least at school, the children are eating well.

"We pay a lot more money for [the more nutritious ingredients], but their health is more important," Gouge said.

Better health education

Even if students are eating healthy at lunch, they won't be healthy if their out-of-school habits don't improve.

That is why Delaware educators have a renewed focus on better health education.

Lessons on diseases and dangers do little if students don't know how to apply the information to their lives.

"We don't want them just to be knowledgeable about health," said Janet Ray, state education associate for health. "The goal is 'How do we develop a program that will impact those behavioral intentions down the line?' You can't just start in middle school. It has to start in kindergarten."

At Brandywine's Springer Elementary, Healthy Foods for Healthy Kids founder and director Thianda Manzara teaches students about science and nutrition through gardening.

Children grow vegetables, then eat what they grow.

"Let them have hands-on activities where they can use all their senses. That's very compelling for some students," Manzara said. "They are planting it, they are picking it, they are deciding whether to taste it."

Seventh-graders plant and harvest the garden each semester.

Manzara then demonstrates recipes with the homegrown ingredients. They may wrinkle their noses when they look at her ingredients, but as she begins to cook the stir fry "the smells get to them and they line up. Then a lot of them want to come back for seconds."

Many schools throughout the state are teaching students about Nemours' "5-2-1-Almost None" program: five servings of fruits and vegetables a day, two hours or fewer of screen time a day, at least one hour of physical activity a day and almost no sugary beverages.

At Red Clay's Brandywine Springs, nurse Becky King spoons spoonfuls of sugar into a glass to show students how much sugar is in a 12-ounce can of soda. Most are shocked as she dumps the 10th spoonful. Eyes bulge even bigger when she pulls out a 64-ounce "DOUBLE BIG GULP" cup, which filled with regular soda has 59 teaspoons of sugar.

"Kids start to see these visuals," she said.

More exercise, more fun

Hand-in-hand with better nutrition is the need for better physical fitness. To that end, the state last year passed House Bill 471, which requires schools to provide 150 minutes of physical activity per week.

Educators, who already are time-crunched as they try to raise students' academic achievement under the federal No Child Left Behind Act, must be creative.

Brader Elementary pupil Quentin Fleetwood, 8, came to the library before school Monday to jump on a bicycle while he paged through Herman Parish's "Bravo, Amelia Bedelia!"

The third-grader said he likes the early-morning library time because it is quiet: "I get to exercise, and you're reading at the same time."

Third-grader Zach Cox comes about twice a week. On Monday, he was reading "Bunnica: A Rabbit-Tale of Mystery" by Deborah and James Howe.

"Once you get the hang of it, you keep the rhythm," he said.

Some elementary school leaders are structuring recess to ensure students are moving -- not lounging -- during the break. Others use the first few minutes of academic classes for stretching activities. And some teachers are being trained in ways to make geography lessons double as exercise time.

Delaware's new physical education standards require that students are active at least 50 percent of class time, a percentage

above the national average.

At Brandywine High, one answer has been to make activity options more appealing -- especially for nonathletes.

One of the most popular equipment additions has been the Versiclimber, which simulates what it would take to climb different monuments, such as the Washington Monument and Eiffel Tower. A poster on the wall advertises which students have completed the challenge -- and in what time.

"Oh my, now we have competition," department head Sandy Kupchick said. "It's something that these students are getting motivated [about] and doing."

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Obesity care costs double previous estimates

Study: Medical bills total \$168 billion

By MIKE STOBBE • Associated Press • October 17, 2010

ATLANTA – Nearly 17 percent of U.S. medical costs can be blamed on obesity, according to new research that suggests the nation's weight problem may have twice the impact as previously estimated.

One expert acknowledged that past estimates likely low-balled the costs and said the new study – which places obesity-related medical costs at around \$168 billion – probably is closer to the truth.

"I think these are the most recent and perhaps statistically sound estimates that have come out to date," said Kenneth Thorpe, a health policy researcher at Emory University who has focused on the cost of health care.

The new research by John Cawley of Cornell University and Chad Meyerhoefer of Lehigh University was released by the National Bureau of Economic Research, a nonprofit, nonpartisan research group.

An influential study released last year – cited by federal officials – estimated that obesity-related medical costs have reached \$147 billion, or 9 percent of total medical costs.

The earlier study also estimated that obesity adds about \$1,400 to a person's annual medical bills. The new study suggests the added cost is double that, exceeding \$2,800.

Cawley and Meyerhoefer used a database that other obesity researchers have used – a federal survey of U.S. citizens and their doctors and other medical providers, which is considered the most complete information on the cost and use of health care in the country.

The new study looked at information on nearly

24,000 non-elderly adult patients from 2000 through 2005. Results were reported in 2005 dollars.

Why did Cawley and Meyerhoefer come up with larger estimates?

•Past studies have relied just on self-reported weight, and many people understate their actual weight. The new research made statistical adjustments to come up with what are believed to be truer figures.

•The authors tried to better establish that excess weight was a cause for the medical costs. Previous studies stopped short of saying obesity caused the costs because there was too great a chance other factors could be responsible. Cawley and Meyerhoefer tried to overcome that problem by also looking at the weight of study subjects' relatives to determine if obesity ran in the family. If so, they labeled the medical costs of a fat person in that family to be caused by obesity.

"It's hard to find conditions that aren't worsened or made more expensive by obesity," Cawley said.



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overview model policies additional resources supporting organizations

MODEL SCHOOL WELLNESS POLICIES



In the Child Nutrition and WIC Reauthorization Act of 2004, the U.S. Congress established a new requirement that all school districts with a federally-funded school meals program develop and implement wellness policies that address nutrition and physical activity by the start of the 2006-2007 school year [Section 204]. In response to requests for guidance on developing such policies, the National Alliance for Nutrition and Activity (NANA, www.nanacoalition.org) convened a work group of more than 50 health, physical activity, nutrition, and education professionals from a variety of national and state organizations to develop a set of model policies for local school districts.

The model nutrition and physical activity policies below meet the new federal requirement. This comprehensive set of model nutrition and physical activity policies¹ is based on nutrition science, public health research, and existing practices from exemplary states and local school districts around the country. The NANA work group's first priority was to promote children's health and well-being. However, feasibility of policy implementation also was considered. View the Model School Wellness Policies

Using the Model Policies

School districts may choose to use the following model policies as written or revise them as needed to meet local needs and reflect community priorities. When developing wellness policies, school districts will need to take into account their unique circumstances, challenges, and opportunities. Among the factors to consider are socioeconomic status of the student body; school size; rural or urban location; and presence of immigrant, dual-language, or limited-English students.



It often helps to begin by conducting a baseline assessment of schools' existing nutrition and physical activity environments. The results of school-by-school assessments can be compiled at the district level to prioritize needs. Useful self-assessment and planning tools include the *School Health Index* from the Centers for Disease Control and Prevention (CDC), *Changing the Scene* from the Team Nutrition Program of the U.S. Department of Agriculture (USDA), and *Opportunity to Learn Standards for Elementary, Middle, and High School Physical Education* from the National Association for Sport and Physical Education.

A district may find it more practical to phase in the adoption of its wellness policies than to implement a comprehensive set of nutrition and physical activity policies all at once. Compromises from the ideal might be required as district decision makers consider challenges such as limited class time, curriculum requirements, and funding and space constraints.

The Appendix contains a list of selected resources to assist with the development, implementation, and monitoring/review of local wellness policies. In addition, many of the members of the National Alliance for Nutrition and Activity are available to provide advice and assistance as school districts undertake this important task.

For more information, contact Joy Johanson at the Center for Science in the Public Interest at 202-332-9110 or jjohanson@cspinet.org or Jennifer Weber at the American Dietetic Association at 202-775-8277 or jweber@eatright.org.

¹ Some aspects of a broader conception of "wellness" are not addressed in the model policies that follow. NANA encourages school districts to establish and maintain a coordinated school health program that addresses all components of school health, including mental health services and school health services, which are not addressed in these model policies. These model policies also do not address certain important related areas, such as counseling services for those with eating disorders; food safety policies; and policies to reduce weight-related bullying.



THE POLICIES WERE DEVELOPED BY THE NATIONAL ALLIANCE FOR NUTRITION AND ACTIVITY.

Model Local School Wellness Policies on Physical Activity and Nutrition

National Alliance for Nutrition and Activity (NANA)
March 2005

Background

In the Child Nutrition and WIC Reauthorization Act of 2004, the U.S. Congress established a new requirement that all school districts with a federally-funded school meals program develop and implement wellness policies that address nutrition and physical activity by the start of the 2006-2007 school year [provide link to Section 204]. In response to requests for guidance on developing such policies, the National Alliance for Nutrition and Activity (NANA, see www.nanacoalition.org) convened a work group of more than 50 health, physical activity, nutrition, and education professionals from a variety of national and state organizations to develop a set of model policies for local school districts.

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Middle, and High School Physical Education from the National Association for Sport and Physical Education.

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**The following organizations assisted with or supported
the development of these model policies:**

Action for Healthy Kids of Illinois

<www.actionforhealthykids.org/AFHK/team_center/team_public_view.php?team=IL&Submit=Go>

Advocacy Institute

<www.advocacy.org>

Advocates for Better Children's Diets

<www.nchapman.com/abcd.html>

American Cancer Society

<www.cancer.org>

American Dental Association

<www.ada.org/public/topics/diet.asp>

American Diabetes Association

<www.diabetes.org>

American Dietetic Association

<www.eatright.org>

American Public Health Association

<www.apha.org>

American School Health Association

<www.ashaweb.org>

American Society of Bariatric Physicians

<www.asbp.org>

Association of State and Territorial Public Health Nutrition Directors

<www.astphnd.org>

Be Active New York State

<www.BeActiveNYS.org>

California Center for Public Health Advocacy

<www.publichealthadvocacy.org>

California Food Policy Advocates

<www.cfpa.net>

Center for Behavioral Epidemiology and Community Health

<www.cbeach.org>

Center for Informed Food Choices
<www.informedeating.org>

Center for Science in the Public Interest
<www.cspinet.org/nutritionpolicy>

Chronic Disease Directors
<www.chronicdisease.org>

Community Food Security Coalition
<www.foodsecurity.org>

Community Health Partnership (OR)
<www.communityhealthpartnership.org>

Council of Chief State School Officers
<www.ccsso.org/schoolhealth>

Elyria City Health District (OH)
<www.elyriahealth.com>

Fitness Forward Foundation
<www.fitnessforward.org>

The Food Trust (PA)
<www.thefoodtrust.org/php/programs/comp.school.nutrition.php>

George Washington Cancer Institute
<www.gwumc.edu/gwci>

Harvard Prevention Research Center
<www.hsph.harvard.edu/prc>

Harvard School of Public Health, Partnerships for Children's Health

Healthy Schools Campaign
<www.healthyschoolscampaign.org>

Howard University Cancer Center
<www.med.howard.edu/hucc>

Hunter College in the City University of New York, Program in Urban Public Health
<www.hunter.cuny.edu/schoolhp/nfs/index.htm>

Institute for America's Health
<www.healthy-america.org>

I4 Learning
<www.i4learning.com>

Kids First
<www.kidsfirstri.org>

Louisiana Public Health Institute
<www.lphi.org>

Muskegon Community Health Project (MI)
<www.mchp.org>

National Association for Health and Fitness
<www.physicalfitness.org>

National Association for Sport and Physical Education (NASPE)
<www.naspeinfo.org/template.cfm?template=policies.html>

National Association of Pediatric Nurse Practitioners

National Association of State Boards of Education (NASBE)
<www.nasbe.org/HealthySchools>

National Center for Bicycling and Walking
<www.bikewalk.org>

National Education Association – Health Information Network
<www.neasmartbody.org>

National PTA
<www.pta.org>

National Research Center for Women and Families
<www.center4research.org>

National School Boards Association (NSBA)
<www.nsba.org/schoolhealth>

New York State Department of Health
<www.health.state.ny.us/nysdoh/chronic/obesity/> and
<www.health.state.ny.us/nysdoh/nutrition.index.htm>

New York State Nutrition Council

North Dakota Dietetic Association
<www.eatrightnd.org>

Parents' Action for Children
<www.parentsaction.org>

PE4life
<www.pe4life.org>

Prevention Institute
<www.preventioninstitute.org/sa/enact.html>

Produce for Better Health Foundation
<www.5aday.org>

Produce Marketing Association
<www.pma.com>

Samuels and Associates
<www.samuelsandassociates.com>

Society for Nutrition Education
<www.sne.org>

SPARK PE
<www.sparkpe.org>

Sportime
<www.sportime.com>

Stark County Health Department (OH)
<www.starkhealth.org>

Step Together New Orleans
*Administered by Louisiana Public Health Institute in partnership with
the City of New Orleans*
<www.steptogethernola.org/home>

United Fresh Fruit and Vegetable Association
<www.uffva.org>

University of Arkansas for Medical Sciences College of Public Health
<www.uams.edu/coph>

U.S. Water Fitness Association
<www.mwaquatics.com>

Women's Sports Foundation
<www.womenssportsfoundation.org>

Young People's Healthy Heart Program at Mercy Hospital (ND)
<www.healthyheartprogram.com>

- Foods and beverages sold or served at school will meet the nutrition recommendations of the *U.S. Dietary Guidelines for Americans*.
- Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
- To the maximum extent practicable, all schools in our district will participate in available federal school meal programs (including the School Breakfast Program, National School Lunch Program [including after-school snacks], Summer Food Service Program, Fruit and Vegetable Snack Program, and Child and Adult Care Food Program [including suppers]).
- Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

TO ACHIEVE THESE POLICY GOALS:

I. School Health Councils

The school district and/or individual schools within the district will create, strengthen, or work within existing school health councils to develop, implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies. The councils also will serve as resources to school sites for implementing those policies. (A school health council consists of a group of individuals representing the school and community, and should include parents, students, representatives of the school food authority, members of the school board, school administrators, teachers, health professionals, and members of the public.)

II. Nutritional Quality of Foods and Beverages Sold and Served on Campus

School Meals

Meals served through the National School Lunch and Breakfast Programs will:

- be appealing and attractive to children;
- be served in clean and pleasant settings;

- meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;
- offer a variety of fruits and vegetables;²
- serve only low-fat (1%) and fat-free milk³ and nutritionally-equivalent non-dairy alternatives (to be defined by USDA); and
- ensure that half of the served grains are whole grain.^{3,4}

Schools should engage students and parents, through taste-tests of new entrees and surveys, in selecting foods sold through the school meal programs in order to identify new, healthful, and appealing food choices. In addition, schools should share information about the nutritional content of meals with parents and students. Such information could be made available on menus, a website, on cafeteria menu boards, placards, or other point-of-purchase materials.

Breakfast. To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- Schools will, to the extent possible, operate the School Breakfast Program.
- Schools will, to the extent possible, arrange bus schedules and utilize methods to serve school breakfasts that encourage participation, including serving breakfast in the classroom, "grab-and-go" breakfast, or breakfast during morning break or recess.
- Schools that serve breakfast to students will notify parents and students of the availability of the School Breakfast Program.
- Schools will encourage parents to provide a healthy breakfast for their children through newsletter articles, take-home materials, or other means.

Free and Reduced-priced Meals. Schools will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals⁵. Toward this end, schools may utilize electronic identification and payment systems; provide meals at no charge to all children,

² To the extent possible, schools will offer at least two non-fried vegetable and two fruit options each day and will offer five different fruits and five different vegetables over the course of a week. Schools are encouraged to source fresh fruits and vegetables from local farmers when practicable.

³ As recommended by the *Dietary Guidelines for Americans 2005*.

⁴ A whole grain is one labeled as a "whole" grain product or with a whole grain listed as the primary grain ingredient in the ingredient statement. Examples include "whole" wheat flour, cracked wheat, brown rice, and oatmeal.

⁵ It is against the law to make others in the cafeteria aware of the eligibility status of children for free, reduced-price, or "paid" meals.

regardless of income; promote the availability of school meals to all students; and/or use nontraditional methods for serving school meals, such as “grab-and-go” or classroom breakfast.

Summer Food Service Program. Schools in which more than 50% of students are eligible for free or reduced-price school meals will sponsor the Summer Food Service Program for at least six weeks between the last day of the academic school year and the first day of the following school year, and preferably throughout the entire summer vacation.

Meal Times and Scheduling. Schools:

- will provide students with at least 10 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch;
- should schedule meal periods at appropriate times, *e.g.*, lunch should be scheduled between 11 a.m. and 1 p.m.;
- should not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities;
- will schedule lunch periods to follow recess periods (in elementary schools);
- will provide students access to hand washing or hand sanitizing before they eat meals or snacks; and
- should take reasonable steps to accommodate the tooth-brushing regimens of students with special oral health needs (*e.g.*, orthodontia or high tooth decay risk).

Qualifications of School Food Service Staff. Qualified nutrition professionals will administer the school meal programs. As part of the school district’s responsibility to operate a food service program, we will provide continuing professional development for all nutrition professionals in schools. Staff development programs should include appropriate certification and/or training programs for child nutrition directors, school nutrition managers, and cafeteria workers, according to their levels of responsibility.⁶

Sharing of Foods and Beverages. Schools should discourage students from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children’s diets.

⁶ School nutrition staff development programs are available through the USDA, School Nutrition Association, and National Food Service Management Institute.

Foods and Beverages Sold Individually (i.e., foods sold outside of reimbursable school meals, such as through vending machines, cafeteria a la carte [snack] lines, fundraisers, school stores, etc.)

Elementary Schools. The school food service program will approve and provide all food and beverage sales to students in elementary schools. Given young children's limited nutrition skills, food in elementary schools should be sold as balanced meals. If available, foods and beverages sold individually should be limited to low-fat and non-fat milk, fruits, and non-fried vegetables.

Middle/Junior High and High Schools. In middle/junior high and high schools, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, student stores, or fundraising activities) during the school day, or through programs for students after the school day, will meet the following nutrition and portion size standards:

Beverages

- **Allowed:** water or seltzer water⁷ without added caloric sweeteners; fruit and vegetable juices and fruit-based drinks that contain at least 50% fruit juice and that do not contain additional caloric sweeteners; unflavored or flavored low-fat or fat-free fluid milk and nutritionally-equivalent nondairy beverages (to be defined by USDA);
- **Not allowed:** soft drinks containing caloric sweeteners; sports drinks; iced teas; fruit-based drinks that contain less than 50% real fruit juice or that contain additional caloric sweeteners; beverages containing caffeine, excluding low-fat or fat-free chocolate milk (which contain trivial amounts of caffeine).

Foods

- A food item sold individually:
 - will have no more than 35% of its calories from fat (excluding nuts, seeds, peanut butter, and other nut butters) and 10% of its calories from saturated and trans fat combined;
 - will have no more than 35% of its *weight* from added sugars;⁸
 - will contain no more than 230 mg of sodium per serving for chips, cereals, crackers, French fries, baked goods, and other snack items; will contain no more than 480 mg of sodium per serving for pastas, meats, and soups; and will contain no more than 600 mg

⁷ Surprisingly, seltzer water may not be sold during meal times in areas of the school where food is sold or eaten because it is considered a "Food of Minimal Nutritional Value" (Appendix B of 7 CFR Part 210).

⁸ If a food manufacturer fails to provide the *added* sugars content of a food item, use the percentage of weight from *total* sugars (in place of the percentage of weight from *added* sugars), and exempt fruits, vegetables, and dairy foods from this total sugars limit.

of sodium for pizza, sandwiches, and main dishes.

- A choice of at least two fruits and/or non-fried vegetables will be offered for sale at any location on the school site where foods are sold. Such items could include, but are not limited to, fresh fruits and vegetables; 100% fruit or vegetable juice; fruit-based drinks that are at least 50% fruit juice and that do not contain additional caloric sweeteners; cooked, dried, or canned fruits (canned in fruit juice or light syrup); and cooked, dried, or canned vegetables (that meet the above fat and sodium guidelines).⁹

Portion Sizes:

- Limit portion sizes of foods and beverages sold individually to those listed below:
 - One and one-quarter ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky;
 - One ounce for cookies;
 - Two ounces for cereal bars, granola bars, pastries, muffins, doughnuts, bagels, and other bakery items;
 - Four fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;
 - Eight ounces for non-frozen yogurt;
 - Twelve fluid ounces for beverages, excluding water; and
 - The portion size of a la carte entrees and side dishes, including potatoes, will not be greater than the size of comparable portions offered as part of school meals. Fruits and non-fried vegetables are exempt from portion-size limits.

Fundraising Activities. To support children's health and school nutrition-education efforts, school fundraising activities will not involve food or will use only foods that meet the above nutrition and portion size standards for foods and beverages sold individually. Schools will encourage fundraising activities that promote physical activity. The school district will make available a list of ideas for acceptable fundraising activities.

Snacks. Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations.

⁹ Schools that have vending machines are encouraged to include refrigerated snack vending machines, which can accommodate fruits, vegetables, yogurts, and other perishable items.

The district will disseminate a list of healthful snack items to teachers, after-school program personnel, and parents.

- If eligible, schools that provide snacks through after-school programs will pursue receiving reimbursements through the National School Lunch Program.

Rewards. Schools will not use foods or beverages, especially those that do not meet the nutrition standards for foods and beverages sold individually (above), as rewards for academic performance or good behavior,¹⁰ and will not withhold food or beverages (including food served through school meals) as a punishment.

Celebrations. Schools should limit celebrations that involve food during the school day to no more than one party per class per month. Each party should include no more than one food or beverage that does not meet nutrition standards for foods and beverages sold individually (above). The district will disseminate a list of healthy party ideas to parents and teachers.

School-sponsored Events (such as, but not limited to, athletic events, dances, or performances). Foods and beverages offered or sold at school-sponsored events outside the school day will meet the nutrition standards for meals or for foods and beverages sold individually (above).

III. Nutrition and Physical Activity Promotion and Food Marketing

Nutrition Education and Promotion. _____ School District aims to teach, encourage, and support healthy eating by students. Schools should provide nutrition education and engage in nutrition promotion that:

- is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
- includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;

¹⁰ Unless this practice is allowed by a student's individual education plan (IEP).

- promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
- links with school meal programs, other school foods, and nutrition-related community services;
- teaches media literacy with an emphasis on food marketing; and
- includes training for teachers and other staff.

Integrating Physical Activity into the Classroom Setting. For students to receive the nationally-recommended amount of daily physical activity (*i.e.*, at least 60 minutes per day) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond physical education class. Toward that end:

- classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television;
- opportunities for physical activity will be incorporated into other subject lessons; and
- classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

Communications with Parents. The district/school will support parents' efforts to provide a healthy diet and daily physical activity for their children. The district/school will offer healthy eating seminars for parents, send home nutrition information, post nutrition tips on school websites, and provide nutrient analyses of school menus. Schools should encourage parents to pack healthy lunches and snacks and to refrain from including beverages and foods that do not meet the above nutrition standards for individual foods and beverages. The district/school will provide parents a list of foods that meet the district's snack standards and ideas for healthy celebrations/parties, rewards, and fundraising activities. In addition, the district/school will provide opportunities for parents to share their healthy food practices with others in the school community.

The district/school will provide information about physical education and other school-based physical activity opportunities before, during, and after the school day; and support parents' efforts to provide their children with opportunities to be physically active outside of school. Such supports will include sharing information about physical activity and physical education through a website, newsletter, or other take-home materials, special events, or physical education homework.

Food Marketing in Schools. School-based marketing will be consistent with nutrition education and health promotion. As such, schools will limit food and beverage marketing to the promotion of foods and beverages that meet the nutrition standards for meals or for foods and beverages sold individually (above).¹¹ School-based marketing of brands promoting predominantly low-nutrition foods and beverages¹² is prohibited. The promotion of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products is encouraged.

Examples of marketing techniques include the following: logos and brand names on/in vending machines, books or curricula, textbook covers, school supplies, scoreboards, school structures, and sports equipment; educational incentive programs that provide food as a reward; programs that provide schools with supplies when families buy low-nutrition food products; in-school television, such as Channel One; free samples or coupons; and food sales through fundraising activities. Marketing activities that promote healthful behaviors (and are therefore allowable) include: vending machine covers promoting water; pricing structures that promote healthy options in a la carte lines or vending machines; sales of fruit for fundraisers; and coupons for discount gym memberships.

Staff Wellness. _____ School District highly values the health and well-being of every staff member and will plan and implement activities and policies that support personal efforts by staff to maintain a healthy lifestyle. Each district/school should establish and maintain a staff wellness committee composed of at least one staff member, school health council member, local hospital representative, dietitian or other health professional, recreation program representative, union representative, and employee benefits specialist. (The staff wellness committee could be a subcommittee of the school health council.) The committee should develop, promote, and oversee a multifaceted plan to promote staff health and wellness. The plan should be based on input solicited from school staff and should outline ways to encourage healthy eating, physical activity, and other elements of a healthy lifestyle among school staff. The staff wellness committee should distribute its plan to the school health council annually.

IV. Physical Activity Opportunities and Physical Education

Daily Physical Education (P.E.) K-12. All students in grades K-12, including students with disabilities, special health-care needs, and in alternative educational settings, will receive daily physical education (or its equivalent of 150 minutes/week for elementary school students and 225 minutes/week for middle and high school students) for the entire school year. All physical education will be taught by a certified physical education teacher. Student involvement in other activities involving physical activity

¹¹ Advertising of low-nutrition foods and beverages is permitted in supplementary classroom and library materials, such as newspapers, magazines, the Internet, and similar media, when such materials are used in a class lesson or activity, or as a research tool.

¹² Schools should not permit general brand marketing for food brands under which more than half of the foods or beverages do not meet the nutrition standards for foods sold individually or the meals are not consistent with school meal nutrition standards.

(e.g., interscholastic or intramural sports) will not be substituted for meeting the physical education requirement. Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity.

Daily Recess. All elementary school students will have at least 20 minutes a day of supervised recess, preferably outdoors, during which schools should encourage moderate to vigorous physical activity verbally and through the provision of space and equipment.

Schools should discourage extended periods (*i.e.*, periods of two or more hours) of inactivity. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, schools should give students periodic breaks during which they are encouraged to stand and be moderately active.

Physical Activity Opportunities Before and After School. All elementary, middle, and high schools will offer extracurricular physical activity programs, such as physical activity clubs or intramural programs. All high schools, and middle schools as appropriate, will offer interscholastic sports programs. Schools will offer a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs.

After-school child care and enrichment programs will provide and encourage – verbally and through the provision of space, equipment, and activities – daily periods of moderate to vigorous physical activity for all participants.

Physical Activity and Punishment. Teachers and other school and community personnel will not use physical activity (e.g., running laps, pushups) or withhold opportunities for physical activity (e.g., recess, physical education) as punishment.

Safe Routes to School. The school district will assess and, if necessary and to the extent possible, make needed improvements to make it safer and easier for students to walk and bike to school. When appropriate, the district will work together with local public works, public safety, and/or police departments in those efforts. The school district will explore the availability of federal "safe routes to school" funds, administered by the state department of transportation, to finance such improvements. The school district will encourage students to use public transportation when available and appropriate for travel to school, and will work with the local transit agency to provide transit passes for students.

Use of School Facilities Outside of School Hours. School spaces and facilities should be available to students, staff, and community members before, during, and after the school day, on weekends, and during school vacations. These spaces and facilities also should be available to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times.

V. Monitoring and Policy Review

Monitoring. The superintendent or designee will ensure compliance with established district-wide nutrition and physical activity wellness policies. In each school, the principal or designee will ensure compliance with those policies in his/her school and will report on the school's compliance to the school district superintendent or designee.

School food service staff, at the school or district level, will ensure compliance with nutrition policies within school food service areas and will report on this matter to the superintendent (or if done at the school level, to the school principal). In addition, the school district will report on the most recent USDA School Meals Initiative (SMI) review findings and any resulting changes. If the district has not received a SMI review from the state agency within the past five years, the district will request from the state agency that a SMI review be scheduled as soon as possible.

The superintendent or designee will develop a summary report every three years on district-wide compliance with the district's established nutrition and physical activity wellness policies, based on input from schools within the district. That report will be provided to the school board and also distributed to all school health councils, parent/teacher organizations, school principals, and school health services personnel in the district.

Policy Review. To help with the initial development of the district's wellness policies, each school in the district will conduct a baseline assessment of the school's existing nutrition and physical activity environments and policies.¹³ The results of those school-by-school assessments will be compiled at the district level to identify and prioritize needs.

Assessments will be repeated every three years to help review policy compliance, assess progress, and determine areas in need of improvement. As part of that review, the school district will review our nutrition and physical activity policies; provision of an environment that supports healthy eating and physical activity; and nutrition and physical education policies and program elements. The district, and individual schools within the district, will, as necessary, revise the wellness policies and develop work plans to facilitate their implementation.

¹³ Useful self-assessment and planning tools include the *School Health Index* from the Centers for Disease Control and Prevention (CDC), *Changing the Scene* from the Team Nutrition Program of the U.S. Department of Agriculture (USDA), and *Opportunity to Learn Standards for Elementary, Middle, and High School Physical Education* from the National Association for Sport and Physical Education.

VI. Resources for Local School Wellness Policies on Nutrition and Physical Activity

Crosscutting:

- *School Health Index*, Centers for Disease Control and Prevention, <<http://apps.nccd.cdc.gov/shi/>>
- Local Wellness Policy website, U.S. Department of Agriculture, <<http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>>
- *Fit, Healthy, and Ready to Learn: a School Health Policy Guide*, National Association of State Boards of Education, <www.nasbe.org/HealthySchools/fithealthy.mqi>
- *Preventing Childhood Obesity: Health in the Balance*, the Institute of Medicine of the National Academies, <www.iom.edu/report.asp?id=22596>
- *The Learning Connection: The Value of Improving Nutrition and Physical Activity in Our Schools*, Action for Healthy Kids, <www.actionforhealthykids.org/docs/specialreports/LC%20Color%20120204_final.pdf>
- *Ten Strategies for Promoting Physical Activity, Healthy Eating, and a Tobacco-free Lifestyle through School Health Programs*, Centers for Disease Control and Prevention, <www.cdc.gov/healthyyouth/publications/pdf/ten_strategies.pdf>
- *Health, Mental Health, and Safety Guidelines for Schools*, American Academy of Pediatrics and National Association of School Nurses, <<http://www.nationalguidelines.org>>
- *Cardiovascular Health Promotion in Schools*, American Heart Association [link to pdf]

School Health Councils:

- *Promoting Healthy Youth, Schools and Communities: A Guide to Community-School Health Councils*, American Cancer Society [link to PDF]
- *Effective School Health Advisory Councils: Moving from Policy to Action*, Public Schools of North Carolina, <www.nhealthyschools.org/nhealthyschools/htdocs/SHAC_manual.pdf>

Nutrition:

General Resources on Nutrition

- *Making it Happen: School Nutrition Success Stories*, Centers for Disease Control and Prevention, U.S. Department of Agriculture, and U.S. Department of Education, <<http://www.cdc.gov/HealthyYouth/nutrition/Making-It-Happen/>>
- *Changing the Scene: Improving the School Nutrition Environment Toolkit*, U.S. Department of Agriculture, <www.fns.usda.gov/tn/Healthy/changing.html>
- *Dietary Guidelines for Americans 2005*, U.S. Department of Health and Human Services and U.S. Department of Agriculture, <www.health.gov/dietaryguidelines/dga2005/document/>
- *Guidelines for School Health Programs to Promote Lifelong Healthy Eating*, Centers for Disease Control and Prevention, <www.cdc.gov/mmwr/pdf/rr/rr4509.pdf>
- *Healthy Food Policy Resource Guide*, California School Boards Association and California Project LEAN, <www.csba.org/ps/hf.htm>
- *Diet and Oral Health*, American Dental Association, <<http://www.ada.org/public/topics/diet.asp>>

School Meals

- *Healthy School Meals Resource System*, U.S. Department of Agriculture, <<http://schoolmeals.nal.usda.gov/>>
- *School Nutrition Dietary Assessment Study–II*, a U.S. Department of Agriculture study of the foods served in the National School Lunch Program and the School Breakfast Program, <www.cspinet.org/nutritionpolicy/SNDAllfind.pdf>
- *Local Support for Nutrition Integrity in Schools*, American Dietetic Association, <www.eatright.org/Member/Files/Local.pdf>
- *Nutrition Services: an Essential Component of Comprehensive Health Programs*, American Dietetic Association, <www.eatright.org/Public/NutritionInformation/92_8243.cfm>
- *HealthierUS School Challenge*, U.S. Department of Agriculture, <www.fns.usda.gov/tn/HealthierUS/index.htm>

- *Breakfast for Learning*, Food Research and Action Center, <www.frac.org/pdf/breakfastforlearning.PDF>
- *School Breakfast Scorecard*, Food Research and Action Center, <[www.frac.org/School Breakfast Report/2004/](http://www.frac.org/School_Breakfast_Report/2004/) >
- *Arkansas Child Health Advisory Committee Recommendations* [includes recommendation for professional development for child nutrition professionals in schools], <www.healthylarkansas.com/advisory_committee/pdf/final_recommendations.pdf>

Meal Times and Scheduling

- *Eating at School: A Summary of NFSMI Research on Time Required by Students to Eat Lunch*, National Food Service Management Institute (NFSMI) [Attach PDF file]
- *Relationships of Meal and Recess Schedules to Plate Waste in Elementary Schools*, National Food Service Management Institute, <www.nfsmi.org/Information/Newsletters/insight24.pdf >

Nutrition Standards for Foods and Beverages Sold Individually

- *Recommendations for Competitive Foods Standards* (a report by the National Consensus Panel on School Nutrition), California Center for Public Health Advocacy, <www.publichealthadvocacy.org/school_food_standards/school_food_standards/Nutrition%20Standards%20Report%20-%20Final.pdf>
- State policies for competitive foods in schools, U.S. Department of Agriculture, <www.fns.usda.gov/cnd/Lunch/CompetitiveFoods/state_policies_2002.htm>
- *Nutrition Integrity in Schools*, (forthcoming), National Alliance for Nutrition and Activity
- *School Foods Tool Kit*, Center for Science in the Public Interest, <www.cspinet.org/schoolfood/>
- *Foods Sold in Competition with USDA School Meal Programs* (a report to Congress), U.S. Department of Agriculture, <[www.cspinet.org/nutritionpolicy/Foods Sold in Competition with USDA School Meal Programs.pdf](http://www.cspinet.org/nutritionpolicy/Foods_Sold_in_Competition_with_USDA_School_Meal_Programs.pdf)>
- *FAQ on School Pouring Rights Contracts*, American Dental Association, <http://www.ada.org/public/topics/softdrink_faq.asp>

Fruit and Vegetable Promotion in Schools

- *Fruits and Vegetables Galore: Helping Kids Eat More*, U.S. Department of Agriculture, <www.fns.usda.gov/tn/Resources/fv_galore.html>
- *School Foodservice Guide: Successful Implementation Models for Increased Fruit and Vegetable Consumption*, Produce for Better Health Foundation. Order on-line for \$29.95 at <[www.shop5aday.com/acatalog/School Food Service Guide.html](http://www.shop5aday.com/acatalog/School_Food_Service_Guide.html)>.
- *School Foodservice Guide: Promotions, Activities, and Resources to Increase Fruit and Vegetable Consumption*, Produce for Better Health Foundation. Order on-line for \$9.95 at <[www.shop5aday.com/acatalog/School Food Service Guide.html](http://www.shop5aday.com/acatalog/School_Food_Service_Guide.html)>
- National Farm-to-School Program website, hosted by the Center for Food and Justice, <www.farmtoschool.org>
- Fruit and Vegetable Snack Program Resource Center, hosted by United Fresh Fruit and Vegetable Association, <<http://www.uffva.org/fvpilotprogram.htm>>
- Produce for Better Health Foundation website has downloadable fruit and vegetable curricula, research, activity sheets, and more at <www.5aday.org>

Fundraising Activities

- *Creative Financing and Fun Fundraising*, Shasta County Public Health, <www.co.shasta.ca.us/Departments/PublicHealth/CommunityHealth/projlean/fundraiser1.pdf>
- *Guide to Healthy School Fundraising*, Action for Healthy Kids of Alabama, <www.actionforhealthykids.org/AFHK/team_center/team_resources/AL/N&PA%2031%20-%20Fundraising.pdf>

Snacks

- *Healthy School Snacks*, (forthcoming), Center for Science in the Public Interest
- Materials to Assist After-school and Summer Programs and Homeless Shelters in Using the Child Nutrition Programs (website), Food Research and Action Center, <www.frac.org/html/building_blocks/afterschsummertoc.html>

Rewards

- *Constructive Classroom Rewards*, Center for Science in the Public Interest, <www.cspinet.org/nutritionpolicy/constructive_rewards.pdf>
- *Alternatives to Using Food as a Reward*, Michigan State University Extension, <www.tn.fcs.msue.msu.edu/foodrewards.pdf>
- *Prohibition against Denying Meals and Milk to Children as a Disciplinary Action*, U.S. Department of Agriculture Food and Nutrition Service [Link to PDF]

Celebrations

- *Guide to Healthy School Parties*, Action for Healthy Kids of Alabama, <www.actionforhealthykids.org/AFHK/team_center/team_resources/AL/N&PA%2032%20-%20parties.pdf>
- *Classroom Party Ideas*, University of California Cooperative Extension Ventura County and California Children's 5 A Day Power Play! Campaign, <<http://ucce.ucdavis.edu/files/filelibrary/2372/15801.pdf>>

Nutrition and Physical Activity Promotion and Food Marketing:

Health Education

- *National Health Education Standards*, American Association for Health Education, <http://www.aahperd.org/aahe/pdf_files/standards.pdf>

Nutrition Education and Promotion

- U.S. Department of Agriculture Team Nutrition website (lists nutrition education curricula and links to them), <www.fns.usda.gov/tn/Educators/index.htm>
- *The Power of Choice: Helping Youth Make Healthy Eating and Fitness Decisions*, U.S. Food and Drug Administration and U.S. Department of Agriculture's Food and Nutrition Service, <www.fns.usda.gov/tn/resources/power_of_choice.html>
- *Nutrition Education Resources and Programs Designed for Adolescents*, compiled by the American Dietetic Association, <www.eatright.org/Public/index_19218.cfm>

Integrating Physical Activity into the Classroom Setting

- *Brain Breaks*, Michigan Department of Education, <www.emc.cmich.edu/brainbreaks>
- *Energizers*, East Carolina University, <www.ncpe4me.com/energizers.html>

Food Marketing to Children

- *Pestering Parents: How Food Companies Market Obesity to Children*, Center for Science in the Public Interest, <www.cspinet.org/pesteringparents>
- *Review of Research on the Effects of Food Promotion to Children*, United Kingdom Food Standards Agency, <www.foodstandards.gov.uk/multimedia/pdfs/foodpromotiontochildren1.pdf>
- *Marketing Food to Children* (a report on ways that different countries regulate food marketing to children [including marketing in schools]), World Health Organization (WHO), <<http://whqlibdoc.who.int/publications/2004/9241591579.pdf>>
- *Guidelines for Responsible Food Marketing to Children*, Center for Science in the Public Interest, <<http://cspinet.org/marketingguidelines.pdf>>
- *Commercial Activities in Schools*, U.S. General Accounting Office, <www.gao.gov/new.items/d04810.pdf>

Eating Disorders

- Academy for Eating Disorders, <www.aedweb.org>
- National Eating Disorders Association, <www.nationaleatingdisorders.org>
- Eating Disorders Coalition, <www.eatingdisorderscoalition.org>

Staff Wellness

- *School Staff Wellness*, National Association of State Boards of Education [link to pdf]
- *Healthy Workforce 2010: An Essential Health Promotion Sourcebook for Employers, Large and Small*, Partnership for Prevention, <www.prevent.org/publications/Healthy_Workforce_2010.pdf>

- *Well Workplace Workbook: A Guide to Developing Your Worksite Wellness Program*, Wellness Councils of America, www.welcoa.org/wellworkplace/index.php?category=7
- *Protecting Our Assets: Promoting and Preserving School Employee Wellness*, (forthcoming), Directors of Health Promotion and Education (DHPE)

Physical Activity Opportunities and Physical Education:

General Resources on Physical Activity

- *Guidelines for School and Community Programs to Promote Lifelong Physical Activity among Young People*, Centers for Disease Control and Prevention, www.cdc.gov/mmwr/preview/mmwrhtml/00046823.htm
- *Healthy People 2010: Physical Activity and Fitness*, Centers for Disease Control and Prevention and President's Council on Physical Fitness and Sports, www.healthypeople.gov/document/HTML/Volume2/22Physical.htm#_Toc490380803
- *Physical Fitness and Activity in Schools*, American Academy of Pediatrics, <http://pediatrics.aappublications.org/cgi/reprint/105/5/1156>

Physical Education

- *Opportunity to Learn: Standards for Elementary Physical Education*, National Association for Sport and Physical Education. Order on-line for \$7.00 at <http://member.aahperd.org/template.cfm?template=Productdisplay.cfm&productID=368§ion=5>
- *Opportunity to Learn: Standards for Middle School Physical Education*. National Association for Sport and Physical Education. Order on-line for \$7.00 at <http://member.aahperd.org/Template.cfm?template=ProductDisplay.cfm&Productid=726§ion=5>
- *Opportunity to Learn: Standards for High School Physical Education*, National Association for Sport and Physical Education. Order on-line for \$7.00 at <http://member.aahperd.org/template.cfm?template=Productdisplay.cfm&productID=727§ion=5>
- *Substitution for Instructional Physical Education Programs*, National Association for Sport and Physical Education, www.aahperd.org/naspe/pdf_files/pos_papers/substitution.pdf

- *Blueprint for Change, Our Nation's Broken Physical Education System: Why It Needs to be Fixed, and How We Can Do It Together*, PE4life, <www.pe4life.org/articles/blueprint2004.pdf>

Recess

- *Recess in Elementary Schools*, National Association for Sport and Physical Education, <www.aahperd.org/naspe/pdf_files/pos_papers/current_res.pdf>
- *Recess Before Lunch Policy: Kids Play and then Eat*, Montana Team Nutrition, <www.opi.state.mt.us/schoolfood/recessBL.html>
- *Relationships of Meal and Recess Schedules to Plate Waste in Elementary Schools*, National Food Service Management Institute, <www.nfsmi.org/Information/Newsletters/insight24.pdf>
- The American Association for the Child's Right to Play, <<http://www.ipausa.org/recess.htm>>

Physical Activity Opportunities Before and After School

- *Guidelines for After School Physical Activity and Intramural Sport Programs*, National Association for Sport and Physical Education, <www.aahperd.org/naspe/pdf_files/pos_papers/intramural_guidelines.pdf>
- *The Case for High School Activities*, National Federation of State High School Associations, <www.nfhs.org/scriptcontent/va_custom/vimdisplays/contentpagedisplay.cfm?content_id=71>
- *Rights and Responsibilities of Interscholastic Athletes*, National Association for Sport and Physical Education, <www.aahperd.org/naspe/pdf_files/pos_papers/RightandResponsibilities.pdf>

Safe Routes to School

- *Safe Routes to Schools Tool Kit*, National Highway Traffic Safety Administration, <www.nhtsa.dot.gov/people/injury/pedbimot/bike/saferouteshtml/>
- *KidsWalk to School Program*, Centers for Disease Control and Prevention, <www.cdc.gov/nccdphp/dnpa/kidswalk/>

- *Walkability Check List*, Pedestrian and Bicycle Information Center, Partnership for a Walkable America, U.S. Department of Transportation, and U.S. Environmental Protection Agency, <www.walkinginfo.org/walkingchecklist.htm>

Monitoring and Policy Review:

- *School Health Index*, Centers for Disease Control and Prevention (CDC), <<http://apps.nccd.cdc.gov/shi/>>
- *Changing the Scene: Improving the School Nutrition Environment Toolkit*, U.S. Department of Agriculture, <www.fns.usda.gov/tn/Healthy/changing.html>
- *Criteria for Evaluating School-Based Approaches to Increasing Good Nutrition and Physical Activity*, Action for Healthy Kids, <www.actionforhealthykids.org/docs/specialreports/report_small.pdf>
- *Opportunity to Learn: Standards for Elementary Physical Education*, National Association for Sport and Physical Education. Order on-line for \$7.00 at <<http://member.aahperd.org/template.cfm?template=Productdisplay.cfm&productID=368§ion=5>>
- *Opportunity to Learn: Standards for Middle School Physical Education*. National Association for Sport and Physical Education. Order on-line for \$7.00 at <<http://member.aahperd.org/Template.cfm?template=ProductDisplay.cfm&Productid=726§ion=5>>
- *Opportunity to Learn: Standards for High School Physical Education*. National Association for Sport and Physical Education. Order on-line for \$7.00 at <<http://member.aahperd.org/template.cfm?template=Productdisplay.cfm&productID=727§ion=5>>



SPONSOR: Sen. Adams on behalf of all Senators;
Rep. Ewing on behalf of all Representatives

DELAWARE STATE SENATE
144th GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 13

IN SUPPORT OF THE CAMPAIGN TO MAKE DELAWARE'S KIDS THE HEALTHIEST IN THE NATION.

1 WHEREAS, obesity among young children has become a national epidemic, with overweight rates doubling
2 among children and tripling among adolescents since 1980; and

3 WHEREAS, obesity can lead to devastating long-term health risks for children as they grow up, causing the
4 Centers for Disease Control and Prevention to predict that our current generation of children may be the first ever to have a
5 shorter projected lifespan than their parents; and

6 WHEREAS, childhood obesity affects all Delaware communities, with more than one-third of our children and
7 youth having an unhealthy weight; and

8 WHEREAS, this epidemic has a significant impact on the state's economy, currently costing Delaware at least
9 \$207 million in medical expenditures every year; and

10 WHEREAS, approximately 90 per cent of Delaware's parents consider too many children and teens being obese as
11 a significant problem;

12 NOW, THEREFORE:

13 BE IT RESOLVED by the Senate of the 144th General Assembly of the State of Delaware, the House of
14 Representatives concurring therein, that the members do hereby endorse and support the passion and commitment of
15 Nemours Health and Preventions Services (NHPS) and its statewide partners to promote healthy eating and physical
16 activity in all Delaware communities.

17 BE IT FURTHER RESOLVED that the members do hereby support and embrace the multi-year effort of NHPS
18 and its statewide partners known as "Campaign to Make Delaware's Kids the Healthiest in the Nation," the goal of which is
19 to enable our children and youth to have the motivation, ability and opportunity to lead healthier lives.

20 BE IT FURTHER RESOLVED that suitable copies of this Senate Concurrent Resolution be provided to Nemours
21 Health and Prevention Services upon its passage.

SYNOPSIS

This Senate Concurrent Resolution endorses and supports Nemours Health and Prevention Services' "Campaign to Make Delaware's Kids the Healthiest in the Nation."

Author: Senator Adams

EXCERPTS



FEDERAL REGISTER

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Part III

Department of
Agriculture

7 CFR Parts 210 and 220

Nutrition Standards in the National School Lunch and School Breakfast
Programs; Proposed Rule

(g) * * *

(2) Performance Standard 2

Reimbursable lunches meet the meal requirements in § 210.10 of this chapter, as applicable to the age/grade group reviewed. Reimbursable breakfasts meet the meal requirements in § 220.8 of this chapter, as applicable to the age/grade group reviewed. When reviewing meals, the State agency must:

(i) For the day of the review, observe the serving line(s) to determine whether all food components and food quantities required under § 210.10, as applicable, and § 220.8, as applicable, are offered.

(ii) For the day of the review, observe a significant number of the Program meals counted at the point of service for each type of serving line to determine whether the meals selected by the students contain the food components and food quantities required for a reimbursable meal under § 210.10, as applicable, and § 220.8, as applicable. If visual observation suggests that quantities offered are insufficient or excessive, the State agency must require the reviewed school(s) to provide documentation demonstrating that the required amounts of each food component were available for service for each day of the review period.

(iii) Review menu and production records for a minimum of ten operating days (specified by the State agency); such review must determine whether all food components and food quantities required under § 210.10, as applicable, and § 220.8, as applicable, of this chapter have been offered.

(iv) Conduct a nutrient analysis of the meals for students in age/grade groups K and above to determine whether the meals offered meet the calorie, sodium, and saturated fat requirements in § 210.10 and § 220.8 of this chapter, as applicable. The State agency must conduct the nutrient analysis in accordance with the procedures established in § 210.10(i) of this part. Until instructed by the Secretary, a nutrient analysis for the meals offered to preschoolers is not required. The State agency must also review nutrition labeling or manufacturer specifications for products or ingredients used to prepare school meals to verify they contain zero grams (less than 0.5 grams) of trans fat per serving.

* * * * *

(i) * * *

(3) * * *

(ii) For Performance Standard 2—10 percent or more of the total number of Program lunches or Program breakfasts observed in a school food authority are missing one or more of the food

components required under parts 210 and 220.

* * * * *

(m) *Fiscal action.* Fiscal action for violations identified during an administrative review or any follow-up reviews must be taken in accordance with the provisions in § 210.19(c) of this part.

(1) *Performance Standard 1 violations.* A State agency is required to take fiscal action for all violations of the critical areas of Performance Standard 1. The State agency may limit fiscal action from the point corrective action occurs back through the beginning of the review period for errors identified under paragraphs (g)(1)(i)(A), (g)(1)(i)(B) and (g)(1)(i)(C) of this section, provided corrective action occurs.

(2) *Performance Standard 2 violations.* A State agency is required to take fiscal action for violations of the critical areas of Performance Standard 2 as follows:

(i) For food component violations cited under paragraph (g)(2) of this section, the State agency must take fiscal action and require the school food authority and/or school reviewed to take corrective action for the missing component. If a corrective action plan is in place, the State agency may limit fiscal action from the point corrective action occurs back through the beginning of the review period for errors identified under paragraph (g)(2) of this section.

(ii) For repeated violations involving vegetable subgroups and milk type cited under paragraph (g)(2) of this section, the State agency must take fiscal action provided that:

(A) Technical assistance has been given by the State agency;

(B) Corrective action has been previously required and monitored by the State agency; and

(C) The school food authority remains in noncompliance with the meal requirements established in parts 210 and 220 of this chapter.

(iii) For violations involving food quantities and whole grains cited under paragraph (g)(2) of this section and for violations of calorie, saturated fat, sodium, and trans fat requirements cited under paragraph (g)(2)(iv) of this section, the State agency has discretion to apply fiscal action provided that:

(A) Technical assistance has been given by the State agency;

(B) Corrective action has been previously required and monitored by the State agency; and

(C) The school food authority remains in noncompliance with the meal

requirements established in parts 210 and 220 of this chapter.

* * * * *

6. In § 210.19:

a. Remove paragraph (a)(1) and redesignate paragraphs (a)(2), (a)(3), (a)(4), (a)(5), and (a)(6) as paragraph (a)(1), (a)(2), (a)(3), (a)(4), (a)(5); and

b. Revise paragraphs (c) introductory text, (c)(1) and (c)(6) to read as follows:

§ 210.19 Additional responsibilities.

* * * * *

(c) *Fiscal action.* State agencies are responsible for ensuring Program integrity at the school food authority level. State agencies must take fiscal action against school food authorities for Claims for Reimbursement that are not properly payable, including, if warranted, the disallowance of funds for failure to take corrective action to comply with the meal requirements in parts 210 and 220 of this chapter. In taking fiscal action, State agencies must use their own procedures within the constraints of this Part and must maintain all records pertaining to action taken under this section. The State agency may refer to FNS for assistance in making a claim determination under this part.

(1) *Definition.* Fiscal action includes, but is not limited to, the recovery of overpayment through direct assessment or offset of future claims, disallowance of overclaims as reflected in unpaid Claims for Reimbursement, submission of a revised Claim for Reimbursement, and correction of records to ensure that unfiled Claims for Reimbursement are corrected when filed. Fiscal action also includes disallowance of funds for failure to take corrective action to meet the meal requirements in Parts 210 and 220 of this chapter.

* * * * *

(6) *Exceptions.* The State agency need not disallow payment or collect an overpayment when any review or audit reveals that a school food authority is approving applications which indicate that the households' incomes are within the Income Eligibility Guidelines issued by the Department or the applications contain Supplemental Nutrition Assistance Program or TANF case numbers or FDPIR case numbers or other FDPIR identifiers but the applications are missing the information specified in paragraph (1)(ii) of the definition of Documentation in § 245.2 of this chapter.

* * * * *

§ 210.21 [Amended]

7. In § 210.21, amend paragraph (e) by removing the phrase "paragraph

intent of ensuring the infant's health and nutritional well-being.

(v) *Infant meal pattern.* Infant lunches must include, at a minimum, each of the food components indicated in Lunch Pattern for Infants table in the amount that is appropriate for the infant's age. For some breastfed infants who regularly consume less than the

minimum amount of breastmilk per feeding, a serving of less than the minimum amount of breastmilk may be offered. In these situations, additional breastmilk must be offered if the infant is still hungry. Lunches may include portions of breastmilk and iron-fortified infant formula as long as the total number of ounces meets, or exceeds, the

minimum amount required of this food component. Similarly, to meet the component requirements for vegetables and fruits, portions of both may be served. Infant lunches are reimbursable when schools provide all of the components in the Lunch Pattern for Infants table that the infant is developmentally ready to accept.

Lunch Pattern for Infants		
Birth through 3 months	4 through 7 months	8 through 11 months
4-6 fluid ounces of formula ¹ or breastmilk ^{2,3}	4-8 fluid ounces of formula ¹ or breastmilk ^{2,3} ; and 0-3 tablespoons of infant cereal ^{1,4} ; and 0-3 tablespoons of fruits or vegetables or both ⁴ .	6-8 fluid ounces of formula ¹ or breastmilk ^{2,3} ; and 2-4 tablespoons of infant cereal ¹ ; and/or 1-4 tablespoons of meat, fish, poultry, egg yolk, cooked dry beans or peas; or ½ - 2 ounces of cheese, or 1-4 ounces (volume) of cottage cheese; or 1-4 ounces (weight) of cheese food or cheese spread; and 1-4 tablespoons of fruits or vegetables or both.

¹Infant formula and dry infant cereal must be iron-fortified.

²Breastmilk or formula, or portions of both, may be served; however, it is recommended that breastmilk be served in place of formula from birth through 11 months.

³For some breastfed infants who regularly consume less than the minimum amount of breastmilk per feeding, a serving of less than the minimum amount of breastmilk may be offered, with additional breastmilk offered if the infant is still hungry.

⁴A serving of this component is required only when the infant is developmentally ready to accept it.

5. In § 210.18:

a. Revise paragraphs (a), (b)(2)(ii), (c), (g)(2), (i)(3)(ii), and (m); and

b. Remove paragraph (h)(2) and redesignate paragraph (h)(3), (h)(4), (h)(5), and (h)(6) as paragraphs (h)(2), (h)(3), (h)(4), and (h)(5).

The revisions read as follows:

§ 210.18 Administrative reviews.

(a) *General.* Each State agency must follow the requirements of this section to conduct administrative reviews of school food authorities serving meals under parts 210 and 220 of this chapter.

- (b) * * *
- (2) * * *
- (i) * * *

(ii) *Performance Standard 2—Meal Requirements.* Reimbursable lunches meet the meal requirements in § 210.10 of this chapter, as applicable to the age/grade group reviewed. Reimbursable

breakfasts meet the meal requirements in § 220.8 of this chapter, as applicable to the age/grade group reviewed.

* * * * *

(c) *Timing of reviews.* State agencies must conduct administrative reviews of all school food authorities participating in the NSLP and/or SBP at least once during a 3-year review cycle. For each State agency, the first 3-year review cycle will start the school year that begins on July 1, 2012 and ends on June 30, 2013. Administrative reviews and follow-up reviews must be conducted as follows:

(1) *Administrative reviews.* At a minimum, State agencies must conduct administrative reviews of all school food authorities at least once during each 3-year review cycle, provided that each school food authority is reviewed at least once every 4 years. The on-site portion of the administrative review

must be completed during the school year in which the review was begun.

(2) *Exceptions.* FNS may, on an individual school food authority basis, approve written requests for 1-year extensions to the 3-year review cycle specified in paragraph (c)(1) of this section if FNS determines this 3-year cycle requirement conflicts with efficient State agency management of the Programs.

(3) *Follow-up reviews.* The State agency is encouraged to conduct first follow-up reviews in the same school year as the administrative review. The first follow-up review must be conducted no later than December 31 of the school year following the administrative review. Subsequent follow-up reviews must be scheduled in accordance with paragraph (i)(5) of this section.

* * * * *

appealing to the tastes of school children; and

- Modifying a la carte foods and other foods at school to maintain NSLP and SBP participation rates.

The proposed rule also increases the length of State reviews of SFAs through the Coordinated Review Effort (CRE) by incorporating the requirements of School Meals Initiative (SMI) reviews, and increases their frequency to once every three years. SFAs that previously held separate CREs and SMIs may experience a decrease in burden, because they will undergo just one CRE every three years, rather than two reviews (one CRE and one SMI) every five years.

The proposed rule incorporates the provision of training and technical assistance by SAs to the SFAs. SFAs must, in turn, adjust their current training agenda to include the new requirements, as no funding has been provided in the proposed rule to accommodate new training.

FNS expects these additional burdens on SFA staff time and budgets may be offset by other benefits. For instance, new age/grade groupings would require school districts to offer different portion sizes instead of the same portions to all ages/grades. While this could be an additional burden to some SFAs, it could also reduce plate waste with use of more appropriate age/grade groupings. Moreover, it is expected that, as food service workers gain experience and become comfortable with the new requirements, administrative efforts associated with implementation may decline. Therefore, although an initial administrative impact is anticipated, FNS does not expect any significant long-term increase in administrative burden.

2. State Agencies

State Child Nutrition Agencies (SAs) play a key role in the implementation of school meal programs through their agreements and partnership with local SFAs. FNS anticipates that SAs that administer the school meals programs will work closely with SFAs to meet the requirements of the proposed rules, and to remove barriers that may hinder compliance.

Many changes associated with implementation of the proposed rule may result in an increased burden and additional required level of effort from States, such as:

- *Training and technical assistance:* SAs may provide training and technical assistance to SFAs on new calorie and meal pattern requirements, age/grade groupings, and revised nutrient requirements. Moving to a single, food-

based menu planning system may simplify the meal service for some schools and will likely streamline the meal planning process, but may require initial training to accomplish.

Although SAs may meet most of this demand by modifying current training and technical assistance efforts, we recognize that SAs may incur additional costs assisting SFAs with the transition to the proposed requirements. Our cost estimate provides for an additional 80 hours per SA in each of fiscal years 2012 and 2013, for a total of \$0.2 million.

- *Systems assistance:* SAs may assist SFAs with any changes in the meal planning process occurring as a result of this rule. This is included in our \$0.2 million estimate for training and technical assistance.

- *Food procurement and preparation:* More fruits, vegetables, whole grains, and foods that are lower in sodium may be necessary to align meals with the proposed meal patterns. SAs may also review SFA contracts with food service management companies (FSMCs). We have not estimated this cost, but expect that it may be small.

- *Monitoring and compliance:* SAs may be required to conduct CREs more frequently, once every 3 years for each SFA; nutrient analysis will be required for all SFAs and will become an additional component of each CRE (although separate SMIs will be eliminated); nutrient-based menus will be eliminated and only food-based menu planning will be permitted; menus will be reviewed from a two-week period preceding the review date; and a breakfast meal will be reviewed as part of each CRE.⁵⁷

SAs are currently required to conduct a CRE for each SFA once every 5 years; to conduct a nutrient analysis via SMI review for only those SFAs with food-based menu planning systems (although approximately 30 percent of these SFAs elect to conduct the nutrient analysis themselves); to review menus from a one-week period preceding the review date; and to review a breakfast meal only in the case of a follow-up CRE (which is only conducted in those cases in which problems are noted in the initial CRE). Total costs for each SA to complete a CRE include costs for staff labor, travel (including transportation, accommodations, and meals/incidental expenses), and possible printing costs

⁵⁷ FNS estimated in 1994 that extending the SFA review cycle from four to five years would decrease costs associated with this effort by 20 percent (June 10, 1994, Federal Register Vol. 59, No. 111, p. 30234). A similar, but opposite, effect might be expected from shortening the cycle from five to three years.

for those SAs that provide CRE results to SFAs and FNS in hard copy rather than electronically.

Limited discussion with a small number of SA and FNS Regional Office officials suggest that a typical CRE or SMI review costs about \$2,000 in 2010, with about half of that cost used for staff travel. Because travel is a largely fixed cost, SAs that previously conducted separate CRE and SMI reviews should realize some savings once SMIs are ended and the nutrient analysis is made part of the CRE. That may help offset some of the cost of increased CRE frequency. A mid-sized State that now conducts 100 CRE reviews might incur annual expenses of \$200,000. Under the proposed rule, that SA could expect to conduct $\frac{2}{3}$ more CRE reviews, or roughly 167 per year. If we assume conservatively that the SA realizes no savings from elimination of SMI reviews, its review costs would increase by \$134,000 per year—an upper-bound estimate. If all SAs incurred this same expense, the total cost would be roughly \$8 million per year by FY 2013.

3. USDA/FNS

FNS will assist State Agencies by providing nutrition education, training, guidance, and technical assistance to facilitate their work with local school food professionals. This may include developing training standards, materials, updated measures for nutrition analysis, and revisions to the food buying guide.

While we expect a small increase in administrative burden for FNS under the proposed rule because of the need to provide additional training and technical assistance to SAs, and to support their role in the CRE process, this may largely be met by adapting existing efforts to the new requirements.

D. Food Service Equipment

Changes in meal pattern requirements as a result of the proposed rule may cause some SFAs to require different, or additional, equipment than that which they currently possess. For example, some SFAs may need to replace fryers with ovens or steamers. In FY 2009, FNS solicited requests from SFAs for food service equipment grants, awarding \$100 million in 2009 American Recovery and Reinvestment Act (ARRA) Equipment Grants and an additional \$25 million in one-time funds included in the FY 2010 Agriculture Appropriations Act. In response to its solicitation, FNS received a total of approximately \$600 million in grant requests from SFAs. The strong response to these grant programs indicates that schools could make productive use of an even greater

(g) * * *

(2) Performance Standard 2

(Reimbursable lunches meet the meal requirements in § 210.10 of this chapter, as applicable to the age/grade group reviewed. Reimbursable breakfasts meet the meal requirements in § 220.8 of this chapter, as applicable to the age/grade group reviewed). When reviewing meals, the State agency must:

(i) For the day of the review, observe the serving line(s) to determine whether all food components and food quantities required under § 210.10, as applicable, and § 220.8, as applicable, are offered.

(ii) For the day of the review, observe a significant number of the Program meals counted at the point of service for each type of serving line to determine whether the meals selected by the students contain the food components and food quantities required for a reimbursable meal under § 210.10, as applicable, and § 220.8, as applicable. If visual observation suggests that quantities offered are insufficient or excessive, the State agency must require the reviewed school(s) to provide documentation demonstrating that the required amounts of each food component were available for service for each day of the review period.

(iii) Review menu and production records for a minimum of ten operating days (specified by the State agency); such review must determine whether all food components and food quantities required under § 210.10, as applicable, and § 220.8, as applicable, of this chapter have been offered.

(iv) Conduct a nutrient analysis of the meals for students in age/grade groups K and above to determine whether the meals offered meet the calorie, sodium, and saturated fat requirements in § 210.10 and § 220.8 of this chapter, as applicable. The State agency must conduct the nutrient analysis in accordance with the procedures established in § 210.10(i) of this part. Until instructed by the Secretary, a nutrient analysis for the meals offered to preschoolers is not required. The State agency must also review nutrition labeling or manufacturer specifications for products or ingredients used to prepare school meals to verify they contain zero grams (less than 0.5 grams) of trans fat per serving.

(i) * * *

(3) * * *

(ii) For Performance Standard 2—10 percent or more of the total number of Program lunches or Program breakfasts observed in a school food authority are missing one or more of the food

components required under parts 210 and 220.

(m) Fiscal action. Fiscal action for violations identified during an administrative review or any follow-up reviews must be taken in accordance with the provisions in § 210.19(c) of this part.

(1) Performance Standard I violations. A State agency is required to take fiscal action for all violations of the critical areas of Performance Standard 1. The State agency may limit fiscal action from the point corrective action occurs back through the beginning of the review period for errors identified under paragraphs (g)(1)(i)(A), (g)(1)(i)(B) and (g)(1)(i)(C) of this section, provided corrective action occurs.

(2) Performance Standard 2 violations. A State agency is required to take fiscal action for violations of the critical areas of Performance Standard 2 as follows:

(i) For food component violations cited under paragraph (g)(2) of this section, the State agency must take fiscal action and require the school food authority and/or school reviewed to take corrective action for the missing component. If a corrective action plan is in place, the State agency may limit fiscal action from the point corrective action occurs back through the beginning of the review period for errors identified under paragraph (g)(2) of this section.

(ii) For repeated violations involving vegetable subgroups and milk type cited under paragraph (g)(2) of this section, the State agency must take fiscal action provided that:

(A) Technical assistance has been given by the State agency;

(B) Corrective action has been previously required and monitored by the State agency; and

(C) The school food authority remains in noncompliance with the meal requirements established in parts 210 and 220 of this chapter.

(iii) For violations involving food quantities and whole grains cited under paragraph (g)(2) of this section and for violations of calorie, saturated fat, sodium, and trans fat requirements cited under paragraph (g)(2)(iv) of this section, the State agency has discretion to apply fiscal action provided that:

(A) Technical assistance has been given by the State agency;

(B) Corrective action has been previously required and monitored by the State agency; and

(C) The school food authority remains in noncompliance with the meal

requirements established in parts 210 and 220 of this chapter.

6. In § 210.19:

a. Remove paragraph (a)(1) and redesignate paragraphs (a)(2), (a)(3), (a)(4), (a)(5), and (a)(6) as paragraph (a)(1), (a)(2), (a)(3), (a)(4), (a)(5); and
b. Revise paragraphs (c) introductory text, (c)(1) and (c)(6) to read as follows:

§ 210.19 Additional responsibilities.

(c) Fiscal action. State agencies are responsible for ensuring Program integrity at the school food authority level. State agencies must take fiscal action against school food authorities for Claims for Reimbursement that are not properly payable, including, if warranted, the disallowance of funds for failure to take corrective action to comply with the meal requirements in parts 210 and 220 of this chapter. In taking fiscal action, State agencies must use their own procedures within the constraints of this Part and must maintain all records pertaining to action taken under this section. The State agency may refer to FNS for assistance in making a claim determination under this part.

(1) Definition. Fiscal action includes, but is not limited to, the recovery of overpayment through direct assessment or offset of future claims, disallowance of overclaims as reflected in unpaid Claims for Reimbursement, submission of a revised Claim for Reimbursement, and correction of records to ensure that unfiled Claims for Reimbursement are corrected when filed. Fiscal action also includes disallowance of funds for failure to take corrective action to meet the meal requirements in Parts 210 and 220 of this chapter.

(6) Exceptions. The State agency need not disallow payment or collect an overpayment when any review or audit reveals that a school food authority is approving applications which indicate that the households' incomes are within the Income Eligibility Guidelines issued by the Department or the applications contain Supplemental Nutrition Assistance Program or TANF case numbers or FDPPIR case numbers or other FDPPIR identifiers but the applications are missing the information specified in paragraph (1)(ii) of the definition of Documentation in § 245.2 of this chapter.

§ 210.21 [Amended]

7. In § 210.21, amend paragraph (e) by removing the phrase "paragraph