



**COMMONWEALTH of VIRGINIA
Department of Education**

April 14, 2017

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: Local Wellness Policy

This memorandum provides information and resources to assist each local education agency (LEA) that participates in the U.S. Department of Agriculture (USDA) National School Lunch Program (NSLP) and School Breakfast Program (SBP) in developing a Local Wellness Policy (LWP) that meets the newly expanded requirements outlined in the final rule of the *Healthy, Hunger-Free Kids Act of 2010* (HHFKA).

Congress recognizes the critical role that schools play in supporting healthy eating and physical activity for children by implementing policies and practices. In 2004, Congress passed the Child Nutrition and Specialist Supplemental Nutrition Program for Women, Infants and Children (WIC) Reauthorization Act (Sec. 204 of Public Law 108-265). This law requires school divisions participating in federal child nutrition programs to adopt a LWP for the first time by fiscal year 2016.

The act that Congress passed, the *Healthy, Hunger-Free Kids Act of 2010* (HHFKA), was released to expand the scope of the LWP by adding new provisions related to implementation, evaluation, and publicly reporting the progress.

In July 2016, the USDA Final Rule on Local Wellness Policy Implementation was published in the Federal Register. The intent is to strengthen LWPs so they become useful tools in evaluating, establishing, and maintaining healthy school environments, and to provide transparency to the public on key areas that affect the nutrition environment in each school.

LEAs must fully comply with the requirements of the final rule by June 30, 2017. As outlined by USDA's *Summary of the Final Rule*, the HHFKA now requires that the local school wellness policy, at a minimum, include:

1. Wellness Leadership

LEAs must establish a wellness policy leadership of one or more LEA and/or school official(s) who have the authority or responsibility to ensure each school complies with the policy.

2. Public Involvement

LEAs must permit participation by the general public and the school community (including parents, students, and representatives of the school food authority, teachers of physical education, school health professionals, the school board, and school administrators) in the wellness policy process.

3. Content of the Wellness Policy

- Specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. LEAs are required to review and consider evidence-based strategies in determining these goals.

- Standards and nutrition guidelines for all food and beverages sold to students on the school campus during the school day that are consistent with federal regulations for:
 - School meal nutrition standards, and the
 - Smart Snacks in School nutrition standards
- Standards for all food and beverages provided, but not sold, to students during the school day (e.g., in classroom parties, classroom snacks brought by parents, or other foods given as incentives).
- Description of public involvement, public updates, policy leadership, and evaluation plan.

4. Triennial Assessment

LEAs must conduct an assessment of the wellness policy at a minimum, every 3 years, starting with school year 2017-2018. This assessment must determine:

- Each individual school's compliance with the wellness policy,
- How the wellness policy compares to model wellness policies, and
- Progress made in attaining the goals of the wellness policy.

5. Updates to the Local Wellness Policy

LEAs must update or modify the wellness policy as appropriate.

6. Public Updates


LEAs must make available to the public:

- The wellness policy, including any updates to and about the policy, on an annual basis, at a minimum, and
- The Triennial Assessment, including progress toward meeting the goals of the policy.

7. Documentation

The Virginia Department of Education (VDOE) will examine the following records during the Federal Administrative Review:

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

USDA and VDOE are dedicated to helping LEAs find the resources that they need to meet the requirements of the final rule. USDA has provided materials that are a useful starting point for LEAs working to strengthen their LWP, to meet the requirements and establish a healthier school environment at [School Nutrition Environment and Wellness Resources](#) . This website provides resources on the LWP process, elements, success stories, grants/funding opportunities, and trainings.

LWP training will be provided by VDOE SNP at the Spring Regional Meeting held in each region. The Regional Meeting schedule is provided in Attachment D to this memorandum.

To assist LEAs in the development of a local policy, a model policy was developed by the Alliance for a Healthier Generation that is in compliance with the requirements set forth in the final rule. This model policy is provided in Attachment C to this memorandum. Use of this model policy is optional.

Please direct questions regarding the information in this memorandum to the VDOE School Nutrition Program Specialist assigned to your division or Dr. Sandy Curwood, Director of School Nutrition Programs, at (804) 371-2339 or at Sandra.curwood@doe.virginia.gov.

SRS/SCC/ag

Attachments:

- A. [USDA Final Rule: Local Wellness Policy Implementation Under the HHFKA of 2010](#) (PDF)
- B. [VDOE Wellness Policy Guidelines – Elements of Implementation](#) (PDF)
- C. [Alliance for a Healthier Generation Model Wellness Policy](#) (PDF)
- D. [School Nutrition Programs Spring 2017 Regional Meetings](#) (PDF)

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