

Act 145. Sec. 5(b)

**An Act Relating to Use of Vermont Products and Nutrition
Education in Schools**

**Report to the House and Senate Committees on Agriculture,
Institutions, and Education and the House Committee on Human
Services and the Senate Committee on Health and Welfare**

January 30, 2007

Submitted by Department of Education



School Wellness Policies in Vermont Department of Education
A Report to Vermont's General Assembly on Act 145
An Act Relating to Use of Vermont Products and Nutrition Education in Schools

Act No. 145, Section 5(b) requires the commissioner of education to report to the senate and house committees on agriculture and education, the senate committee on health and welfare and the house committee on human services regarding the number of school districts that have and have not adopted a nutrition policy and, based on a sample of a minimum of 10 percent of those which have adopted a policy:

- (1) approximately how many adopted a policy which is substantially the same as the nutrition components of the Vermont nutrition and fitness policy guidelines developed by the agency of agriculture, food and markets, the department of education, and the department of health, dated November, 2005 or the guidelines' successor; and
- (2) and description of how some of the policies adopted by the school boards differ from the Vermont nutrition and fitness policy guidelines.

Background

On June 30, 2004, President Bush signed Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004. This law requires that each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq) shall establish a local school wellness policy by School Year 2006. As required by the law, a local wellness policy, at a minimum, shall include:

- ***Goals for nutrition education, physical activity and other school-based activities*** that are designed to promote student wellness in a manner that the local educational agency determines is appropriate;
- ***Nutrition guidelines*** selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity;
- ***Guidelines for reimbursable school meals***, which are no less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to Subsections (a) and (b) of Section 10 of the Child Nutrition Act (42 U.S.C. 1779) and Section 9(f)(1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)0, as those regulations and guidance apply to schools;
- ***A plan for measuring implementation of the local wellness policy***, including designation of one or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that each school fulfills the district's local wellness policy;

At about the same time that schools were asked to comply with the federal law, Vermont was in the process of developing the Nutrition and Fitness Policy Guidelines. The Guidelines, considered "best practices" for schools to promote good nutrition and physical activity, provided detailed descriptions of recommended procedures.

Many school boards indicate that they believe that policies should be broad statements of principles and/or standards. Specific actions to be taken are left to school administrators who may embody the actions in a procedures document. In response to the federal requirement and the desire of boards to keep policy at a broader, conceptual level, the Vermont School Boards Association (VSBA) drafted a model policy in December 2005 that would comply with the

federal Wellness Policy requirements. The majority of school districts have adopted the language of the VSBA model policy. A copy of the VSBA model is attached to this report.

School Districts’ Adoption of a Wellness Policy

In November 2006, the Department of Education conducted a survey to determine how many districts have and have not adopted a policy. Information was collected on the model used by each board for its wellness policy. For districts that had not yet adopted a policy, information was collected about the anticipated date when a policy will be adopted.

| | Number | Percent |
|--|--------|---------|
| School districts reporting that they have adopted a school wellness policy | 169 | 73.2% |
| School districts reporting that they have not yet adopted a policy | 63 | 26.8% |

| | | |
|--|-----|-------|
| School districts reporting models or language they used for their school wellness policy:* | | |
| <i>Used language based on VSBA model</i> | 136 | 72% |
| <i>Used language based on Vermont Nutrition and Fitness Policy Guidelines</i> | 28 | 14.8% |
| <i>Used locally developed language</i> | 25 | 13.2% |

*Includes some districts that have not yet adopted a policy, but have gone through the first and/or second reading and submitted a response to this question

| | Number | Percent |
|---|--------|---------|
| Of school districts reporting that they have not yet adopted a policy | | |
| <i>Districts that expect to have a policy by April 30, 2007</i> | 48 | 76.1% |
| <i>Districts that expect to have a policy by June 30, 2007</i> | 15 | 23.9% |

A review of several of the districts that used locally developed language indicated a wide range of approaches:

- One district had used the Vermont Nutrition and Fitness Policy Guidelines but modified them to include more restrictive language in some areas (e.g., prohibiting commercial advertising that promotes foods other than healthy foods) and made other modifications to make the policy language specific to an elementary school.
- In one supervisory union where the same policy was adopted in all four of the member districts, the policy is substantially the same as the Vermont Nutrition and Fitness Guidelines but provides much more specific direction to the food service program in terms of what the program should offer (e.g., low fat or no fat dressings, whole grain foods, multiple choices of fruits and vegetables).
- Several districts primarily used the VSBA model but added a reference to the a la carte and vending sales standards that are included in the Vermont Nutrition and Fitness Guidelines.
- One high school district used the VSBA model but added details about the nutrition education that will be provided including a course in food, sports, and fitness. The policy

states that nutrition will be integrated into subject areas including science, health, and family and consumer science.

- A supervisory union that passed the same policy in all seven school districts used the VSBA model but re-arranged the sections.

To see the Vermont Nutrition and Fitness Policy Guidelines go to http://education.vermont.gov/new/pdfdoc/pgm_nutrition/nutrition_policy_guidelines_05.pdf.

See Appendix A for the VSBA Model Policy on Wellness.

TO: Board Chairs
FROM: John Nelson, Executive Director
RE: Federal Nutrition Act Wellness Policy Requirement
DATE: December, 2005

We are enclosing for your information our newly developed Model Policy on Wellness. As you may be aware, this policy (or one otherwise complying with the requirements of the law) is required of school districts that participate in the National School Lunch program. It must be adopted by the beginning of the 2006 school year.

It is particularly important to point out that the federal law mandates an adoption process for this policy as well as certain components of each policy. The federal law requires that this policy be adopted through a process that “Involves parents, students, and representatives of the school food authority, the school board, administrators, and the public...”.

Because the law is relatively restrictive, we have included footnotes in body of the Model Policy. The footnotes are intended to help you determine why particular policy statements have been included in the Model. They are not intended to be included in the policy as finally adopted.

We have purposefully limited the scope of this Model. It does not state “best practices” in this area. For best practices, we suggest that you refer to the “Nutrition Policy Guidelines” recently issued Vermont Departments of Education and Health, and the Vermont Agency of Agriculture. Each of the policy statements in this model could be expanded upon, but doing so would be a local option, not a legal requirement. There will also be places where you will want to be more specific about some of the policy statements, again based on your local situations.

We have also included a list of “Wellness Policy Resources” that we hope will help you in the policy development process.

If you have questions about this material, please feel free to contact me.

Cc: Superintendents

Federal Child Nutrition Act Wellness Policy E10

Purpose. The intent of this Policy is to ensure compliance with the local policy requirements of the federal Child Nutrition and WIC Reauthorization Act of 2004.¹ In accord with those requirements, this Policy has been developed in consultation with parents, students, representatives of the school food services authority, school administrators and the public.

Policy Statement. It is the policy of the _____ school district to establish goals for nutrition education, physical activity and other school based activities that are designed to promote student wellness. With the objective of promoting student health and reducing childhood obesity, the district will also establish nutrition guidelines for all foods available at school during the school day.

I. Goals for Nutrition Education.²

- A. The school district shall provide nutrition education programs as required by state law and regulations of the State Board of Education. In particular, the district shall provide a nutrition component in its Comprehensive Health Education program and shall develop curricular programs intended to accomplish applicable goals enumerated in the Vermont Framework of Standards and Learning Opportunities.³
- B. Nutrition education programs shall be conducted by appropriately licensed staff members.
- C. To the extent practicable, nutrition education shall be integrated into core curricula in areas, such as science and family and consumer science courses.

II. Goals for Physical Activity.⁴

- A. The district shall provide physical education classes for all students as required by Vermont School Quality Standards.
- B. The district shall provide other physical activity opportunities for students through recess periods in appropriate grades and, as appropriate, before or after school activities such as interscholastic athletics and physical activity clubs or intramural sports.

III. Goals for Other School Based Activities.⁵

¹ Section 204 of Public Law 108-265. June 30, 2004.

² These goals are intended to be illustrative. Local policy makers should consider the addition of locally established goals. For examples of goals used elsewhere, consult the resources listed in the material accompanying this model policy.

³ 16 V.S.A. §§131 & 906.

⁴ These goals are intended to be illustrative. Local policy makers should consider the addition of locally established goals. For examples of goals used elsewhere, consult the resources listed in the material accompanying this model policy.

⁵ These goals are illustrative. Local policy makers should consider the addition of locally established goals. For examples of goals used elsewhere, consult the resources listed in the material accompanying this policy.

- A. The district shall ensure that guidelines for reimbursable school meals are not less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to sections (a) and (b) of section 10 of the Child Nutrition Act and section 9(f)(1) and 17a of the Richard B. Russell National School Lunch Act as those regulations and guidance apply to schools.⁶
- B. The district shall provide adequate space for eating and serving school meals.
- C. The district shall provide a clean and safe meal environment for students.
- D. The district shall establish meal periods that provide adequate time to eat and are scheduled at appropriate hours.
- E. Food shall not be used in district schools as a reward or punishment.
- F. The district shall provide training opportunities as appropriate for food service and other staff members in areas of nutrition and wellness.

IV. Nutrition Guidelines.⁷

- A. No foods of minimal nutritional value, as listed in 7 CFR 210, Appendix B and 7 CFR 220, Appendix B shall be sold in food service areas during breakfast and lunch periods.⁸
- B. The sale of foods during meal periods in food service areas shall be allowed only if all income from the sale, including the sale of approved foods or drinks from vending machines, accrues to the benefit of the school, the school food service program, or the student organizations sponsoring the sale.⁹
- C. To the extent practicable, the district shall ensure that foods offered at school other than through the National School Lunch or School Breakfast programs, including foods sold through vending machines, shall comply with the A la Carte and Vending Guidelines established by the Vermont Departments of Health and Education.

V. Policy Implementation.¹⁰

⁶ This provision is required of schools participating in National School Lunch and Breakfast programs.

⁷ The federal law requires that local wellness policies include “nutrition guidelines selected by the local educational agency for all foods available on each school campus...during the school day with the objectives of promoting student health and reducing childhood obesity.” Include locally established guidelines as appropriate.

⁸ Required of schools participating in National School Lunch and Breakfast programs.

⁹ Required by cited federal regulations.

¹⁰ The Child Nutrition and WIFC Reauthorization Act requires the establishment of “a plan for measuring implementation of the local wellness policy, including the designation of 1 person within the local education agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy.” For examples of implementation plans, consult the references cited in the materials accompanying this model policy.

- A. The superintendent or his or her designee shall monitor district programs and curriculum to ensure compliance with this policy and any administrative procedures established to carry out the requirements of this policy.

- B. The superintendent or his or her designee shall report at least annually to the board on the district's compliance with law and policies related to student wellness. The report shall include an assurance that district guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law.

Date Warned:

Date Adopted:

Dates Revised:

Legal Reference(s).

- 16 V.S.A. §§131 & 906(b)(3).
- Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.
- Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.
- Child Nutrition and WIC Reauthorization Act of 2004, Section 204 of Public Law 108-265.
- Code of Federal Regulations, 7 CFR Part 210 and Part 220.

Wellness Policy Resources

General Resources

National School Boards Association. www.nsba.org.

Action for Healthy Kids. www.actionforhealthykids.org.

CDC School Health Index. www.cdc.gov/healthyyouth/

National Association of State Boards of Education. www.nasbe.org.

Vermont Department of Education Nutrition Policy Guidelines.

http://www.state.vt.us/educ/new/pdfdoc/pgm_nutrition/nutrition_policy_guidelines_05.pdf

Nutrition Education Section

USDA Team Nutrition. www.fns.usda.gov/tn. Includes ample policy language, examples of state and local school district policies for nutrition education, and resources and implementation tools. Go to *Local Wellness Policy*; then go to *Local Wellness Policy Requirements*; then go to *Nutrition Education*.

Kansas State Department of Education. www.kn-eat.org/SNP/SNPShell/snp_wellness_policy.htm. Includes Kansas “Eat Smart Nutrition Education Guidelines for grades pre-K through 12.

Physical Activity Section

National Association of State Boards of Education.

http://nasbe.org/HealthySchools/physical_activity.html. Includes *Fit, Healthy, and Ready to Learn: A School Health Policy Guide*.

The National Alliance for Nutrition and Activity, NANA. www.schoolwellnesspolicies.org.

Other School-Based Activities Section

National School Boards Association. www.nsba.org. Contains a searchable website for wellness policies and other health related programs such as AIDS-HIV, adolescent health and many other topics and links.

Center for Disease Control. www.cdc.gov/healthyyouth/index.htm. Contains model policies and links to state and local policies.

Nutrition Guidelines Section

USDA Team Nutrition. www.fns.usda.gov/tn/Healthy/wellnesspolicy.html. See also *The Menu Planner for Healthy School Meals* at this site at <http://teamnutrition.usda.gov/Resources/menuplanner.html>. It explains the nutrition standards for school breakfasts and lunches, as well as processes for planning meals to meet those standards.

North Carolina. www.eatsmartmovemorenc.com. Contains North Carolina's *Recommended Standards for All Foods Available in School*, a publication that covers foods and beverages found in traditional cafeteria meals as well as a la carte item, vending machine drinks and snacks, and foods and beverages served in after school programs and at school functions.

Policy Implementation Section

School Nutrition Association. <http://wellness.schoolnutrition.org/content/home.aspx>. Includes various samples of monitoring and policy review procedures.

Action for Healthy Kids. www.actionforhealthykids.org/docs/specialreports/report_small.pdf. See *Criteria for Evaluating School-Based Approaches to Increasing Good Nutrition and Physical Activity*.

Wellness Policy Resources

General Resources

National School Boards Association. www.nsba.org.

Action for Healthy Kids. www.actionforhealthykids.org.

CDC School Health Index. www.cdc.gov/healthyyouth/

National Association of State Boards of Education. www.nasbe.org.

Vermont Department of Education Nutrition Policy Guidelines. http://www.state.vt.us/educ/new/pdfdoc/pgm_nutrition/nutrition_policy_guidelines_05.pdf

Nutrition Education Section

USDA Team Nutrition. www.fns.usda.gov/tn. Includes ample policy language, examples of state and local school district policies for nutrition education, and resources and implementation tools. Go to *Local Wellness Policy*; then go to *Local Wellness Policy Requirements*; then go to *Nutrition Education*.

Kansas State Department of Education. www.kn-eat.org/SNP/SNPShell/snp_wellness_policy.htm. Includes Kansas “Eat Smart Nutrition Education Guidelines for grades pre-K through 12.

Physical Activity Section

National Association of State Boards of Education. http://nasbe.org/HealthySchools/physical_activity.html. Includes *Fit, Healthy, and Ready to Learn: A School Health Policy Guide*.

The National Alliance for Nutrition and Activity, NANA. www.schoolwellnesspolicies.org.

Other School-Based Activities Section

National School Boards Association. www.nsba.org. Contains a searchable website for wellness policies and other health related programs such as AIDS-HIV, adolescent health and many other topics and links.

Center for Disease Control. www.cdc.gov/healthyyouth/index.htm. Contains model policies and links to state and local policies.

Nutrition Guidelines Section

USDA Team Nutrition. www.fns.usda.gov/tn/Healthy/wellnesspolicy.html. See also *The Menu Planner for Healthy School Meals at this site at* <http://teamnutrition.usda.gov/Resources/menuplanner.html>. It explains the nutrition standards for school breakfasts and lunches, as well as processes for planning meals to meet those standards.

North Carolina. www.eatsmartmovemorenc.com. Contains North Carolina’s *Recommended Standards for All Foods Available in School*, a publication that covers foods and beverages found in traditional cafeteria meals as well as a la carte item, vending machine drinks and snacks, and foods and beverages served in after school programs and at school functions.

Policy Implementation Section.

School Nutrition Association. <http://wellness.schoolnutrition.org/content/home.aspx>. Includes various samples of monitoring and policy review procedures.

Action for Healthy Kids. www.actionforhealthykids.org/docs/specialreports/report_small.pdf. See *Criteria for Evaluating School-Based Approaches to Increasing Good Nutrition and Physical Activity*.