

inside/outside of the school, water coolers, beverage cases, food display racks, and school buses.

Do the food and beverage marketing policies apply to after school sporting or other events?

The local school wellness policy marketing requirements do not apply to events occurring more than 30 minutes after the school day, such as after school sporting or other events. However, it is important to remember that Federal Smart Snacks standards are minimum standards and § 5 has discretion to adopt more stringent standards and extend the marketing policy to events outside of school hours.

My school/State has its own standards for snack foods sold in schools and/or food and beverage marketing policies. How are they affected by the local school wellness policy?

The Federal Smart Snacks standards and marketing policies are minimum requirements for schools that participate in USDA's school meals programs. States, districts, and schools that have stronger standards and policies may maintain their own policies, as long as they do not conflict with USDA standards. § 5 have flexibility on how to implement this requirement. It is not intended to imply that schools must allow food or beverage marketing on campus.

If a vending machine is turned off during the school day, is the outside of it (logos, pictures, etc.) still considered marketing?

Yes. The front and sides of a vending machine provide a graphic statement intended for the purpose of promoting the sale of a food or beverage product, regardless of whether the machine is on or off.

Is there a restriction against marketing brand names?

No, brand name marketing is not restricted. If a specific product does not meet the Smart Snacks nutrition standards, it may not be marketed on the school campus during the school day, however, the brand may be marketed. The final rule also discusses copycat products, where a company reformulates one product in a brand's product line to meet school nutrition standards. Marketing of copycat products is not restricted under the regulations.

§ 5 have discretion to determine what is in the best interest of their respective school communities, however, and may implement additional marketing restrictions. § 5 may choose to include more stringent marketing standard for brand marketing and copycat products in their local school wellness policy; they may simply eliminate advertising of all brands that market foods inconsistent with the Smart Snacks nutrition standards; or they may allow both brand marketing and copycat products that meet Smart Snacks standards to be marketed in schools.



18. Do the local school wellness policy standards permit the marketing of incentive programs like a restaurant or brand that gives free pizza or coupons when students read a certain number of books?

Yes. The local school wellness policy marketing standards are not intended to restrict incentive programs. While PAR is required to address standards and nutrition guidelines for all foods and beverages available on the school campus during the school day, it may determine what is in the best interest of their respective school communities. PAR is encouraged to use nonfood-related incentive programs or programs that promote items consistent with the Smart Snacks standards.

19. Are label redemption programs (e.g., Box Tops for Education) allowed under this final rule?

Yes. This rule is not intended to restrict label redemption programs. Promotion of label redemption programs on school property is permitted.

Triennial Assessment

20. How often must PAR conduct assessments of schools' compliance with the local school wellness policy?

At a minimum, assessments must be conducted once every three years as described in 7 CFR 210.31(e); this is referred to as the triennial assessment. This assessment is separate from the Administrative Review conducted by the State agency. The local school wellness policy must be updated and in compliance with the final rule by June 30, 2019. Therefore, the first triennial assessment must be completed by June 30, 2021.

21. Who is responsible for conducting the assessments?

PAR must designate at least one PAR or school official(s) as responsible for determining the extent to which each school under their jurisdiction is in compliance with their wellness policies (7 CFR 210.31(e)(1)).

In addition to the official(s) identified, other stakeholders must be permitted to be involved in the review process as described in 7 CFR 210.31(d)(1). However, PAR have discretion in how they implement this requirement since PAR is best suited to determine the distinctive needs of the community it serves. PAR is also encouraged to identify a wellness champion at each school that would assist with the implementation and monitoring of the policy at the school level.

22. What must be included in the triennial assessment?

PAR must develop a triennial assessment report that describes the extent to which its schools comply with the local school wellness policy, the extent to which the local policy aligns with model policies, and a description of progress towards attaining policy goals as



described in 7 CFR 210.31(e)(2). There is local discretion on the format of the report. This report must be made available to the public (7 CFR 210.31(d)(3)).

23. What tools should PAR use to assess implementation and compliance with the local school wellness policy?

PAR has the flexibility to develop tools that will assess compliance with the specific components of their local school wellness policy. Some State agencies and partner organizations have developed tools that PAR can adapt to meet their needs. Example tools can be found at the “School Nutrition Environment and Wellness Resources” website at <https://healthymeals.fns.usda.gov/local-wellness-policy-resources/local-school-wellness-policy-process/assessment-needs-assessment>. In addition, PAR must document when and how they evaluated their policy. For example, an agenda or attendance sheet could be used as documentation that the local school wellness policy was evaluated at a stakeholder meeting.

24. How often does the PAR have to update the policy?

USDA does not specify the frequency of updates to the local school wellness policy, as the need to update will vary based on the content and structure of the policy. However, it is recommended that the policy is updated, at a minimum, after conducting the triennial assessments (7 CFR 210.31(e)(3)). PAR is also required to annually notify the public about the content of the local school wellness policy and any updates to the policy as stated in 7 CFR 210.31(d)(2).

25. How should PAR compare their policies to model policies?

The responsibility for developing a local school wellness policy was placed at PAR level so that each PAR has the flexibility to customize their own policy based on their own unique circumstances. However, at a minimum, Par Excellence Academy must compare their policy against model policies during the triennial assessment (7 CFR 210.31(e)(2)(ii)). The Alliance for a Healthier Generation, in conjunction with USDA, developed a model local school wellness policy template that may be used for this comparison: https://www.healthiergeneration.org/_asset/wtqdwu/14-6372_ModelWellnessPolicy.doc.

26. Does Par Excellence Academy need to do a triennial assessment of all the schools under its jurisdiction, or does each school do its own triennial assessment and report back to PAR?

PAR is responsible for ensuring that a triennial assessment of all the schools under its jurisdiction has been conducted. PAR may conduct the triennial assessment on behalf of each participating school under its jurisdiction, or may allow each school to conduct its own assessment.



Administrative Review

27. What are the next steps if PAR is not in compliance with the local school wellness policy requirements?

The final rule required PAR to begin developing a revised local school wellness policy by November 8, 2018. These revised policies must be in place by July 1, 2019. While PAR is updating and implementing new wellness policies, State agencies should focus on providing technical assistance and work with PAR on a corrective action plan in order to achieve compliance.

Technical assistance resources include USDA's Food and Nutrition Service (FNS) Team Nutrition website. The "School Nutrition Environment and Wellness Resources" web pages provide information and guidance resources, including:

- **Local School Wellness Policy Process** steps to put the policy into action, as well as sample policy language and examples of existing State-level health policies;
- **Required Wellness Policy Elements** to meet the federal requirements;
- **Success Stories and Best Practice** ideas for schools;
- **Grants/Funding Opportunities** related to child nutrition and physical activity; and
- **Trainings** that will assist districts/schools in developing, implementing, and monitoring their wellness policies.

This website also includes information on the requirements and a summary of the final rule. The resources website can be accessed at <https://healthymeals.fns.usda.gov/school-wellness-resources>.

28. What documentation is needed for the Administrative Review?

During an Administrative Review, the State agency will review the written local school wellness policy and will ensure PAR or school official(s) has been designated to oversee the policy process. The State agency will also review documentation demonstrating:

- Compliance with community involvement requirements, such as a copy of the solicitation on Par Excellence Academy/school website or school newsletter and a list of the stakeholders involved (attendance sheet, or list of titles such as parent, school nurse, etc.);
- That the local school wellness policy content and annual updates, as well as the triennial assessments, were made available to the public, such as a copy of the PAR/school webpage and/or the school newsletter or local newspaper where the local school wellness policy and assessment results have been posted;
- How the policy compares to model policies; and
- That a triennial assessment of the local school wellness policy was conducted for each school under its jurisdiction.



Public Notification

29. How should PAR notify the public that they have a policy and/or there has been an update to the policy?

PAR must inform the public each school year of basic information about the local school wellness policy, including its content and any updates as described in 7 CFR 210.31(d)(2). PAR may best determine the optimal time for providing the information, although FNS recommends that the information be provided early in the school year. Best practices include highlighting the policy on individual school websites, linking to the policy on individual school social media accounts, sending updates in a parent or school newsletter, including the policy in a presentation during parent/staff meetings, providing copies of the policy at back-to-school nights, featuring the policy on the parent- or staff-specific web-pages, and posting on school bulletin boards. Other strategies include placing a blurb in a local community newsletter or newspaper, posting on a community website or blog, or sharing updates and accomplishments on a local radio or television show. Team Nutrition's new *Local School Wellness Policy Outreach Toolkit* provides free templates to help notify the public and can be adapted to meet PAR's needs. This toolkit can be accessed at <http://www.fns.usda.gov/tn/local-school-wellness-policy-outreach-toolkit>.

30. How often is PAR schools required to notify the public about the local school wellness policy?

PAR is required to annually notify the public of the local school wellness policy and any updates to the policy (7 CFR 210.31(d)). FNS also encourages PAR to include a summary of each school's events or activities related to local school wellness policy implementation on their annual public notification. PAR may determine the optimal time for providing the information, although FNS recommends that the information be provided early the school year.

31. Is Par Excellence Academy required to produce annual progress reports?

On an annual basis, PAR is required to notify the public of the local school wellness policy and any updates to the policy (7 CFR 210.31(d)). FNS also encourages PAR to include a summary of each school's events or activities related to local school wellness policy implementation on their annual public notification.

32. Does PAR or school official(s) designated to oversee the wellness policy need to publicize their contact information?

PAR is only required to identify the position title of Par Excellence Academy or school official(s) responsible for oversight of the local school wellness policy. However, PAR is strongly encouraged to provide a means of contacting PAR or school official(s) responsible for oversight by designating a PAR or school-based phone number and/or email address for the community to provide suggestions, make inquiries, request to get involved, or contribute to wellness policy implementation.



33. How should PAR engage stakeholders in the policy?

Each year, stakeholders must be provided with the opportunity to participate in the development, implementation, periodic review, and update of the local school wellness policy as stated in 7 CFR 210.31(d)(1). It is at the discretion of PAR on how stakeholders are invited to participate. Suggestions for including a variety of stakeholders include:

- sending a letter to parents/families;
- providing status updates in teacher/staff trainings;
- posting a call for volunteers on PAR website;
- including a blurb on the school, PAR or local community newspaper, newsletter, and/or blog;
- partnering with community organizations to spread the information; and
- posting information about the process on social media.

Team Nutrition has developed an outreach toolkit to help PAR engage parents and school staff in the development, implementation, and monitoring of their wellness policy. The customizable templates are available for download at <http://www.fns.usda.gov/tn/local-school-wellness-policy-outreach-toolkit>. Examples of other ways to engage parents are provided in the Center for Disease Control and Prevention's (CDC) Parents for Healthy Schools found at <http://www.cdc.gov/healthyschools/parentengagement/parentsforhealthyschools.htm>.

34. How should Residential Child Care Institutions (RCCIs) comply with the required public notification?

Although RCCIs may have different circumstances than PAR, the intent of the public notification requirement is to inform the public about the process and how they can get involved. RCCIs are required to inform parents/caregivers and any other members of the public about the local wellness policy. The RCCI has discretion to determine to whom this public notification should be directed. Notification may be as simple as including the local school wellness policy and a description of how to get involved on the RCCI website, newsletter, RCCI social media, or other means of notifying families and the general public.

Please note that RCCIs are not required to inform the public regarding eligibility criteria for school meals if they do not have day students. However, they are still required to notify the public of the local school wellness policy provisions because the intent is to provide information to the public about the policy and invite members of the public to become involved.



Goals

35. Does the wellness policy have to include a specific number of hours for nutrition or physical education?

Nutrition and physical education are very important aspects of wellness and complement a healthy school environment. PAR have discretion in determining the best way to structure their school day, and there is no requirement that PAR include specific amount and frequency requirements (i.e., days per week, and minutes per day/week) in their policy goals, objectives, and annual benchmarks for physical education, nutrition education, and physical activity. However, FNS encourages PAR to require a specific number of hours and/or frequency to assist in assessing whether schools are meeting their goals and to consider the Centers for Disease Control and Prevention's (CDC) recommendation of 60 minutes of physical activity each day for children and adolescents (see <https://www.cdc.gov/physicalactivity/basics/children/index.htm>).

36. What are some examples of evidence-based strategies/techniques to establish wellness goals?

The following examples of evidence-based strategies have been shown to improve the likelihood that children will make the healthier choice: using creative names for fruits and vegetables and targeted entrées, training staff to prompt students to select fruits and vegetables, placing unflavored milk in front of other beverage choices, and bundling “grab and go” meals that include fruit and vegetable items.

PAR should review “Smarter Lunchroom” tools and strategies, which are evidence-based, simple, low-cost or no-cost changes that are shown to improve student participation in the school meals program while encouraging consumption of more whole grains, fruits, vegetables, and legumes, and decreasing plate waste (for more information, please visit, <https://healthymeals.fns.usda.gov/healthierus-school-challenge-resources/smarter-lunchrooms>).

37. How can farm to school strategies be included in wellness policies?

Wellness policies offer an opportunity to showcase farm to school efforts and gain buy in from the community. According to the [Farm to School Census](#), over two thirds of school districts engaged in farm to school activities said they enjoy positive impacts, including increased support from parents and community members, improved acceptance of and participation in school meals, lower school meal program costs, and less plate waste.

Wellness policies offer an opportunity to engage community stakeholders that can help districts start and/or expand activities such as buying local foods, growing gardens, and offering nutrition, agriculture and culinary education. For specific ideas and sample language from other districts that have included farm to school efforts in their policies, please visit <https://healthymeals.fns.usda.gov/farm-school-wellness-policy-language>.



Wellness Leadership and Involvement

38. Who should oversee the wellness policy?

Par Excellence Academy has discretion in determining who is responsible for overseeing the wellness policy, including assessments. PAR is most qualified to identify the best candidate(s) for local school wellness policy leadership as size, resources, and needs vary greatly among PAR. Some schools have a position titled “Wellness Coordinator,” while in other PAR, the School Nutrition Director or Lead Health Education Coordinator oversees the policy. The regulations do not specify the title or position of the designated wellness official(s), but simply require that the responsible official(s) be designated (7 CFR 210.31(e)(1)). Regardless of who is named as the designated official(s) to oversee the wellness policy process, the CDC’s case study examination found that in successful schools, a “wellness champion” serves as the driving force for developing and implementing the wellness policy. A single wellness champion – such as a school nurse, district superintendent, or community member – led the process in many schools and districts. The champion played a critical role in starting the process and keeping it going when challenges arose. For more information, see https://www.cdc.gov/healthyyouth/npao/pdf/251553_SchoolWellnessInAction_Final_508_Ready_508tagged.pdf.

39. How does FNS define "actively" seeking members for the wellness committee? Is sending an e-mail enough?

PAR have discretion in how they implement the requirement to actively seek members for their wellness committee. Sending an email is one example of how PAR could meet the requirement. Other examples include a posting in a newsletter or on the PAR’s website or social media page, or creating an advertisement in a local community newsletter or newspaper.

Technical Support

40. Where can I get more information and technical support?

USDA Food and Nutrition Service (FNS) has developed wellness web-resources, as a part of the Team Nutrition website. The wellness policy website has information on the requirements and a summary of the final rule, action steps for local educational agencies and schools, tools and resources, monitoring wellness policies, funding wellness efforts, and more. The FNS Local School Wellness Policies website can be accessed at <http://www.fns.usda.gov/tn/local-school-wellness-policy>.

Additionally, FNS’ “School Nutrition Environment and Wellness Resources” web page provides information and resources to support the local school wellness policy process, and includes sample policy language, examples of existing State-level health policies, stories and best practice ideas for schools, grants and funding opportunities, and trainings to assist districts/schools in developing, implementing, and monitoring their wellness policies. The



resources website can be accessed at <https://healthymeals.fns.usda.gov/school-wellness-resources>.

The CDC also has many resources that can help inform the content and implementation of wellness policies. There are resources on topics that include Smart Snacks, physical activity and physical education, measuring Body Mass Index in schools, and engaging parents to participate in school wellness activities. CDC also has assessment tools including the School Health Index which schools can use to assess their health policies and practices and then create a plan to improve their health and safety policies and practices. These helpful CDC resources can be accessed at www.cdc.gov/healthyouth/npao/publications.htm.

CDC's "Putting Local School Wellness Policies to Action: Stories from School Districts and Schools" provides helpful strategies and examples for additional resources for schools. This resource can be accessed at https://www.cdc.gov/healthyouth/npao/pdf/251553_SchoolWellnessInAction_Final_508_Ready_508tagged.pdf.