

April 28, 2014

Julie Brewer
Chief, School Programs Branch
U.S. Department of Agriculture
Policy and Program Development Division
Child Nutrition Programs, Food and Nutrition Service
P.O. Box 66740
St. Louis, MO 63166-6740

Docket ID: FNS-2014-0010-0001

Re: RIN 0584-AE25, Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010

Dear Ms. Brewer:

The Kids' Safe and Healthful Foods Project (KSHF) offers these comments in support of the U.S. Department of Agriculture's (USDA) proposed rule for Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010. KSHF, a collaboration between The Pew Charitable Trusts and the Robert Wood Johnson Foundation, aims to increase access to safe and healthful foods and beverages for our nation's schoolchildren. We applaud USDA for developing a proposed rule that contains elements to promote student wellness, prevent and reduce childhood obesity, and help ensure that all foods and beverages sold and promoted on campus during the school day meet consistent nutrition standards. We respectfully submit these comments for your consideration.

KSHF finds that the proposed rule strengthens the existing guidelines for local wellness policies by ensuring that schools develop goals for nutrition promotion and education, physical activity, food marketing, and other school-based activities that promote student health. The proposed rule also improves accountability and public reporting to increase transparency to parents, students, and the community on implementation, progress, and regular review of the wellness policy. Additionally, it ensures appropriate representation on the wellness committee by key stakeholders and requires leadership by one or more local education agency (LEA) or school official(s) to optimize the development, implementation, and coordination of the policy across the school environment and community.

Numerous factors affect children's eating behaviors, including the types of foods and beverages sold and marketed in the school environment.ⁱ The proposed rule builds on the positive changes USDA has made, including updates to nutrition standards for school meals and snacks

sold on campus during the school day, by allowing marketing of only foods and beverages that meet USDA's "Smart Snacks in Schools" standards. This marketing standard ensures that children are exposed to messaging that promotes healthy foods and beverages and is consistent with the nutrition standards being implemented in schools.

General comments on the proposed rule

KSHF encourages USDA and its partners to develop tools and resources for schools to support the implementation of these updated wellness policy standards. The guidance and details in the preamble to the proposed rule should be incorporated into the tool kits and resources that USDA provides LEAs to assist in implementation, such as sample "Smart Snacks in Schools" statements or policies for use by LEAs in local school wellness policies. In addition, USDA should expand the definitions section, 210.30 (b), to include definitions of local school wellness policy, nutrition promotion and education, physical activity and physical education, and food and beverage marketing.

Comments on specific provisions of the proposed rule

Local School Wellness Policy Leadership

We strongly support the requirement that there be one or more LEA or school official(s) designated as the point of contact for the wellness policy who is ultimately responsible for monitoring compliance. It is important that the LEA make the name, position title, and contact information for the designated official(s) available on the district and individual school websites, in communications to parents, in school newsletters, and in other school communications. We support USDA's direction that the LEA lead must have the authority to ensure that schools comply with the policy. We encourage USDA to provide additional guidance to LEAs on the needed scope of this authority so that the responsibility for local wellness policies does not default to school nutrition directors unless they have authority to enforce the policy beyond the school food-service environment.

Public Involvement in Local School Wellness Policy Development

We support the requirement that schools involve a broad array of stakeholders to participate in the development, implementation, and periodic review and revision of the local wellness policy to ensure coordination across the school environment and throughout the community. The LEA should be required, rather than encouraged, to make available the names and position titles or relationship to the school of the wellness committee members (but not contact information) to foster transparency, accountability, and communication. LEA's should also be encouraged to include students and/or student organizations such as student councils in the development, review, and adoption of local wellness policies. Engaging students in this process can help to establish student buy-in.ⁱⁱ We are pleased that USDA is encouraging wellness committees at both the LEA and school level.

Content of the Local School Wellness Policy

We support the areas of coverage of the proposed rule, including nutrition promotion and education, physical activity, nutrition guidelines for all foods and beverages available during the school day, marketing, and other school-based activities and resources that increase student wellness. The resources, tool kits, and model policies that will be provided by USDA will be essential to ensuring schools' success in implementing local wellness policies. We encourage USDA to incorporate the relevant resources of other organizations (such as the Alliance for a Healthier Generation's Smart Snack calculator) and provide access to these resources in supporting materials. We encourage USDA to require that wellness policy goals be "SMART": Specific, Measurable, Attainable, Relevant and Time bound.

Nutrition Promotion and Education

We strongly support the inclusion of nutrition promotion and education in the wellness policy. The examples that USDA provides on how schools might implement nutrition promotion and education activities (e.g., integrated into core and elective subjects, participatory activities, information provided to families, etc.) are helpful, and we encourage USDA to provide strong guidance and resources to LEAs to accompany these recommendations.

Other School-based Wellness Activities

We appreciate the excellent examples that USDA provides for other LEA activities that integrate nutrition and health into the school environment. USDA's guidance and model policy for schools include examples of school gardens and Farm to Cafeteria activities, healthy fundraisers, the HealthierUS School Challenge, outreach to families to enhance their support, staff wellness activities, and professional development opportunities that inspire school staff to serve as role models for students. It is important that LEAs are encouraged to assess their baseline practices and progress toward goals using science-based tools such as CDC's School Health Index or the Alliance for a Healthier Generation's Healthy Schools Program Inventory. USDA should work with other government and nongovernmental entities such as CDC or the Alliance to ensure that wellness policy leaders have access to training and technical assistance for proper assessment.

Nutrition Guidelines for All Foods

It is important for schools and LEAs to ensure that the foods sold to students comply with USDA's updated nutrition standards for school meals and the "Smart Snacks in Schools" standards. LEAs should be encouraged to describe whether and how their food and beverage offerings comply with the updated meal and Smart Snack standards, including whether in-school fundraisers that involve food and beverages meet the Smart Snacks standards.

USDA should provide model local wellness policy language and guidance on best implementation practices, including promotion of school menus on school websites, meal duration and timing, "smarter lunchroom" strategies, and the availability of free drinking water throughout the school day and during school meals. USDA should also encourage schools to

consider using their local wellness policies to extend the USDA nutrition standards beyond the school day to cover after-school activities where students are the primary consumers.

In addition, we support the proposed rule's guidance that local wellness policies address standards for foods and beverages not covered by USDA's nutrition standards such as those served during classroom parties and celebrations, given as rewards, and offered as incentives. We encourage USDA to provide guidance and model policy language to LEAs on these issues as part of their technical assistance materials, including ideas and creative examples for serving healthier options in those instances.

Policies for Food and Beverage Marketing

Students' dietary intake during school is influenced by when and where they obtain food, the options available to them, and their exposure to food and beverage marketing on campus.ⁱⁱⁱ KSHF supports the provision in the proposed rule that would require schools to include food marketing and advertising in their local wellness policies. We also agree that the Smart Snack standards should be used as the baseline standard for school marketing practices, to ensure consistency within the school environment while still allowing schools, districts, and states the flexibility to strengthen the standards. We encourage USDA to more clearly define marketing to help schools understand and address the full range in schools such as what is displayed on vending machines, scoreboards and uniforms, promoted via branded fundraisers and corporate sponsored programs, and used for educational purposes.

Implementation, Assessment and Updates

KSHF believes including a timeline for implementation would strengthen the proposed rule. For your consideration, we propose that LEAs be required to implement this rule at the beginning of SY2015-2016 so that children begin to benefit from the wellness policies as early as possible.

KSHF supports USDA's recommendations around record-keeping, technical assistance, and offering resources that promote best practices. These should be widely available and easily accessible.

We support the record-keeping requirements as an opportunity to increase transparency. USDA should emphasize that wellness policy implementation and record-keeping is the responsibility of the LEA as a whole and not exclusively the job of the school food-service authority. Although the administrative review of the wellness policy compliance will be done as part of the school meals administrative review, this process should require participation by relevant school district personnel inside and outside of the school nutrition department.

Summary

KSHF commends USDA for developing a robust rule for local school wellness policies that will complement and reinforce existing policies and will result in effective leadership, implementation, stakeholder involvement, accountability, assessment, and transparency for local wellness initiatives. We are committed to ensuring that all children receive healthy and appetizing school meals, snacks, and beverages in a supportive and healthy school environment and believe stronger school wellness policies will bring us closer to achieving those goals.

Sincerely,

A handwritten signature in black ink that reads "Jessica Donze Black". The signature is written in a cursive, flowing style.

Jessica Donze Black RD, MPH
Director, Kids' Safe and Healthful Foods Project
The Pew Charitable Trusts

ⁱ The Pew Charitable Trusts and the Robert Wood Johnson Foundation, Kids' Safe and Healthful Foods and Health Impact Projects, *Health Impact Assessment: National Nutrition Standards for Snack and a la Carte Foods and Beverages Sold in Schools* (2012), http://www.pewhealth.org/uploadedFiles/PHG/Content_Level_Pages/Reports/KS_HIA_revised%20WEB%20FINAL%2073112.pdf.

ⁱⁱ Elissa J. Bassler et al., "Controlling Junk Food and the Bottom Line: Case Studies of Schools Successfully Implementing Strong Nutrition Standards for Competitive Foods and Beverages" (Chicago: Illinois Public Health Institute, 2013), http://iphionline.org/pdf/IPHI_Controlling_Junk_Food_Report_32113.pdf.

ⁱⁱⁱ The Pew Charitable Trusts and the Robert Wood Johnson Foundation, *Health Impact Assessment*.