

The Healthy, Hunger-Free Kids Act of 2010: Provisions That Improve the School Food Environment

A Fact Sheet for Public Health Practitioners, School Staff, and Community Leaders



ChangeLab Solutions

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Providing healthier, high-quality foods and beverages in school is crucial to helping reverse the childhood obesity epidemic. Students consume up to half of their daily calories at school, and more than 30 million children participate in school meal programs that receive funding from the U.S. Department of Agriculture (USDA).¹ School nutrition programs are an especially critical lifeline for the 14 percent of households with children that are food insecure – that is, households with inconsistent access to adequate food.² In addition to health benefits, research shows that students who eat nutritionally balanced meals are more likely to succeed academically.³

The Healthy, Hunger-Free Kids Act (HHFKA), enacted in December 2010, was a momentous step toward improving the school food environment. To make sure the law is implemented effectively, school staff, food service providers, and public health and community leaders can work together to make school foods healthier, more appealing, and accessible to all students.



What Does the Law Do?

The HHFKA reauthorized the USDA's core child nutrition programs (see sidebar at right). It provides \$4.5 billion in new funding for these programs over ten years to ensure that low-income children have access to healthy foods.⁴ The HHFKA also provides funding for farm-to-school programs to increase access to fresh, locally grown produce and modifies procedures and criteria around pricing, eligibility verification, and reporting.

This fact sheet explores the key provisions of the HHFKA that impact the nutritional quality of school meals and other foods and beverages available on school campuses through two programs – the National School Lunch Program and the School Breakfast Program. We'll look at how the HHFKA improves the nutritional quality of school meals, increases the funds available for meals, and allows low-income families to more easily prove their eligibility to receive the meals. For more information on the other programs reauthorized in the legislation, visit the USDA website listed in the resources section at the end of this publication.

Getting Involved

Components of the HHFKA are already in effect, but full implementation of all the provisions will take several years. For areas where stakeholder input is needed, the USDA will issue a "proposed rule" with a formal notice seeking public comment, published in the Federal Register. These rules provide a more detailed interpretation of the law and include definitions and guidelines on implementation. During this comment period anyone – including local government officials, advocacy groups, and individual citizens – can submit relevant material to help educate the USDA about the proposed regulations' potential impact or to convey an opinion on the issue. As rules are still being finalized, please check with ChangeLab Solutions or visit the USDA website for updates (see the resources starting on page 7).

Just as important, there are many ways to get involved at the local level to ensure that changes on the ground are successfully implemented and sustainable. In addition to updated nutritional standards, the HHFKA includes new requirements for reporting and accountability, designed to ensure that school staff, students and families, public health practitioners, and community members have opportunities to provide feedback and oversight.

This fact sheet focuses on the school food environment, but the HHFKA will create improvements in a range of places where both kids and adults buy food. Here's a list of programs reauthorized by the law:

National School Lunch Program (NSLP) reimburses schools and child-care institutions so they may offer lunches to students at low or no cost. The program also offers funds for afterschool snacks.

School Breakfast Program (SBP) reimburses schools and child-care institutions so they may offer breakfasts to students at low or no cost.

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides education, services, and a financial benefit to purchase healthy food for women who are pregnant or breastfeeding and for infants and children up to age five.

Summer Food Service Program (SFSP) reimburses host sites to provide free meals and snacks for students during the summer months.

Child and Adult Care Food Program (CACFP) provides funding for meals and snacks in a variety of settings, including child-care centers, afterschool care programs, emergency shelters, and adult day care centers.

What's Required – and When

The HHFKA authorized the USDA to issue new standards designed to improve the nutritional quality of all food sold on campus during the school day, including school meals (meals for which schools receive federal funds) and "competitive foods" (all other foods sold outside of the school meal program, including à la carte entrees, snack foods, and beverages). The new nutrition standards for school meals are based on recommendations issued by the Institute of Medicine in 2009 and signal the first time that nutritional standards for school meals have been updated in over 15 years.⁵ This fact sheet describes some of the main requirements and timelines for implementation.

School Meals

The National School Lunch and School Breakfast Programs provide low-cost and no-cost meals to over 31 million and 11 million children, respectively.^{6,7} The updated nutrition standards are an important step toward ensuring that the programs promote student wellness and academic readiness.

Improving the nutritional standards of school meals may raise costs, largely because schools will be required to purchase more fresh fruits, vegetables, and whole-grain foods. The HHFKA increases the amount of money given to schools for meals and includes additional money for training food service workers. In addition, the USDA anticipates that its new requirements for equity in pricing (described in a later section) and anticipated increases in enrollment will bring in additional revenue needed to make the changes sustainable.⁸



Before HHFKA

Previous nutrition standards included a minimum amount of fruit and vegetables, but no specifications as to the types of vegetable served. Serving whole-grain products was encouraged but not required.

After HHFKA

The USDA was authorized to update the nutritional standards for school meals to reflect current dietary guidelines. The final regulations, issued in early 2012, require that schools increase the amount and variety of fruits, vegetables, and whole grains; provide meals within a minimum and maximum level of calories; and reduce saturated fat, sodium, and trans fat. Schools that meet the new nutrition requirements will receive an additional six cents per lunch reimbursement, meant to defray some of the costs of the improvements.

Timeline

The USDA issued new regulations in early 2012, and schools will be required to start implementing the rules during the 2012–13 school year. Schools will have a three-year period to phase in all of the requirements. A detailed timeline for implementation is available on the USDA website (see the resources section).

Water & Milk in Schools

The HHFKA establishes new requirements to improve accessibility to healthier beverages, including lower-fat milk and drinking water, as part of the National School Lunch Program. (For information on limiting access to less healthy beverages, see the next section on regulating other foods sold on school campuses.)

Before HHFKA

Schools could serve all milk options, and there were no requirements regarding drinking water.

After HHFKA

Proposed requirements include:

- Milk: Schools can now only serve lower-fat milk options (fat-free or low-fat). Flavored milk may only be offered if it is fat-free.
- Water: Schools must make drinking water readily available to students at no cost during school lunch and afterschool snack periods (the School Breakfast Program is exempt). Although water is not considered part of the reimbursable meal, schools may use federal funds for reasonable costs from providing water, such as pitchers and paper cups.

Timeline

The USDA required that schools comply with these regulations at the beginning of the 2011–12 school year.

Other Foods Sold on School Campuses

In addition to foods sold as part of school meals, many schools sell “competitive foods”: snacks, entrees, and beverages sold in their cafeteria, in vending machines, at school stores, and as part of school-sponsored events and fundraisers. Competitive foods tend to be of lower nutritional quality than foods served in school meal programs, offering foods that are higher in sugar, fat, calories, and sodium.^{9,10} Although approximately 40 percent of students purchase one competitive food item per day, the USDA previously had little authority to regulate these items.¹¹ As of 2011, 35 states plus Washington, D.C., had already enacted their own requirements, with some states showing that strong competitive food nutrition standards can be a success.¹² For some examples of these competitive food policies enacted across the country, visit the National Association of State Boards of Education’s State School Healthy Policy Database (listed in the resources section).

Before HHFKA

The USDA did not have authority to establish nutrition standards for competitive foods, with the exception of “foods of minimal nutritional value” (including soda, chewing gum, and candy), which the agency restricted during lunch periods. State and local education agencies were allowed to enact additional requirements over these and all other competitive foods.

After HHFKA

The USDA is now required to issue nutrition standards for all competitive foods sold on school campus during meal periods in areas where reimbursable meals are sold, with limited exceptions for infrequent school-sponsored fundraisers occurring during the school day. Foods that are not offered for sale (for instance, foods given away for parties or other events) are exempted from the standards. States, school boards and districts, and schools will still be allowed to enact stricter standards for competitive foods.

Timeline

The USDA is expected to publish proposed regulations for public comment in mid-2012. While the updated nutrition standards for competitive foods will not be fully implemented until at least the 2013–14 school year, existing state laws and local school policies remain in effect.

Farm-to-School

Farm-to-school programs are designed to foster connections between schools and local or regional farms. Getting locally grown food onto school lunch plates can help spark students’ interest in nutrition and reinvest school food service dollars in the community.

Before HHFKA

The Child Nutrition and WIC Reauthorization Act of 2004 included a provision on farm-to-school: a seed grant program with \$10 million in discretionary funding. But the provision failed to receive an appropriation, so the program was not funded.

After HHFKA

The Act provides \$5 million annually in mandatory funding for farm-to-school programs. The USDA will administer a competitive grant process with funding going to states, tribal entities, schools, agricultural producers, and nonprofit entities.

Timeline

Funds for farm-to-school programs will be available in October 2012, and information on how to apply for the competitive grant program was available as of spring 2012. This cycle will be repeated annually. (See the resources section for a link to the application.)



Equity in School Lunch Pricing

Meal revenues generally come from federal subsidies, state or local funds, and fees from paid meals. In some communities, schools undercharge for paid meals (which receive little or no federal subsidy) and prices do not cover the costs to prepare and sell the meals. In these instances, the subsidies that schools receive to provide food to low-income students may actually be subsidizing meals for students who are able to pay.

Before HHFKA

There were no regulations on equivalent pricing for subsidized and non-subsidized meals.

After HHFKA

Schools are required to modify meal prices such that the revenues from “paid” (non-subsidized) meals match the federal reimbursement level. Schools are not permitted to raise the price of paid meals more than 10 cents annually. Some schools may also be exempted from this requirement if they meet certain criteria. For more information on how the meal pricing requirements will work, please read the USDA memo listed in the resources section.

Timeline

The USDA required that schools begin complying with these regulations at the beginning of the 2011–12 school year.

School Wellness Policies & Public Disclosure

School wellness policies set goals for nutrition education, physical activity, and other school-based activities to promote student health. The HHFKA includes new guidelines meant to strengthen school wellness policies, as well as additional requirements for reporting and oversight.

Before HHFKA

The Child Nutrition and WIC Reauthorization Act of 2004 required all school districts receiving federal funding for food programs to have a local school wellness policy in place. Although schools were required to have a wellness policy, they were not required to report on policy compliance and implementation. As a result, implementation evaluation efforts were not monitored or conducted regularly.

After HHFKA

The USDA is required to issue regulations to emphasize ongoing implementation and assessment of local wellness policies. The law supports an inclusive and comprehensive approach, calling for schools to include feedback from additional stakeholders when developing and updating the policy, such as physical education teachers, school health professionals, students, and community members. It also requires that schools issue nutrition standards and goals for all foods available on campus during the school day, update the public on the progress of implementation, and release reports on the school food environment.

Timeline

The USDA anticipates issuing proposed regulations addressing the reporting provisions in fall 2012 and is required to provide technical assistance materials throughout the implementation of the rule. State agencies should ensure that local educational agencies and school districts are aware of the changes and that they begin reviewing their local wellness policies during the 2011–12 school year, and begin strengthening policies to the extent possible. For more information on creating strong local wellness policies, see the resources section.



Certifying Eligibility for School Meals

Though school meal programs reach millions of youth, many more eligible students do not participate in the program due to lack of knowledge, difficult application procedures, or a perceived stigma or fear of enrollment. The new law encourages schools to use streamlined methods of determining eligibility that aim to improve accessibility and increase the number of students served.

Before HHFKA

The Child Nutrition and WIC Reauthorization Act of 2004 required schools to begin using methods of direct certification – that is, automatic enrollment for students whose families qualify for other federal benefits, such as SNAP (Supplemental Nutrition Assistance Program) and TANF (Temporary Assistance to Needy Families), and for foster children.

After HHFKA

The new legislation calls for schools to meet benchmarks for improving their methods of direct certification, and eliminates the “letter method” of certification – an allowance that schools could require households to return a letter to finalize a student’s certification status – which was seen as a barrier to participation. States with successful programs in place are eligible for performance awards, while the USDA will provide technical assistance for lower-performing states. The HHFKA also allows for a “community eligibility” option, in which schools in high-poverty areas will automatically be allowed to offer free meals to the entire student body if over 40 percent of students are direct certified. Finally, the act establishes demonstration projects in select communities to pilot using Medicaid data for direct certification.

Timeline

Schools were required to begin phasing out the letter method of direct certification in school year 2011–12; they must have an alternative system in place by the 2012–13 school year. The community eligibility method will only be available to a few select states initially, but is expected to be expanded to all states by the 2014–15 school year.



Conclusion: A Crucial Moment for School Food

Much work lies ahead in order to ensure that the standards set forth in the Healthy, Hunger-Free Kids Act are implemented successfully. School staff, food service providers, and public health and community leaders have a crucial opportunity to work together to ensure that school foods are healthier, more appealing, and accessible to all. **For more information or to find out how to get involved, contact us through our website at www.changelabsolutions.org.**



Resources: Improving the School Food Environment Under the Healthy, Hunger-Free Kids Act of 2010

HHFKA Resources & Implementation

USDA: Healthy, Hunger-Free Kids Act of 2010
www.fns.usda.gov/cnd/governance/legislation/CNR_2010.htm

USDA: Implementation Timeline
www.fns.usda.gov/cnd/Governance/Legislation/CNR_2010.htm

ChangeLab Solutions: Getting Your Voice Heard – Commenting on Federal Regulations
www.changelabsolutions.org/tobacco-control/products/rulemaking-FDA-law-notes

CDC: School Health Guidelines to Promote Healthy Eating and Physical Activity
www.cdc.gov/healthyyouth/npao/strategies.htm

School Meals

USDA: Final Rule: “Nutrition Standards in the National School Lunch and School Breakfast Programs”
www.gpo.gov/fdsys/pkg/FR-2012-01-26/pdf/2012-1010.pdf

USDA: Comparison of Current and New Regulatory Requirements Under Final Rule “Nutrition Standards in the National School Lunch and School Breakfast Programs”
www.fns.usda.gov/cnd/Governance/Legislation/comparison.pdf

USDA: Implementation Timeline for Final Rule “Nutrition Standards in the National School Lunch and School Breakfast Programs”
www.fns.usda.gov/cnd/Governance/Legislation/implementation_timeline.pdf

Institute of Medicine: School Meals: Building Blocks for Healthy Children
www.iom.edu/Reports/2009/School-Meals-Building-Blocks-for-Healthy-Children.aspx

CDC: Implementing Strong Nutrition Standards for Schools: Financial Implications
www.cdc.gov/healthyyouth/nutrition/pdf/financial_implications.pdf

Milk

USDA: Nutrition Requirements for Fluid Milk
www.fns.usda.gov/cnd/governance/Policy-Memos/2011/SP29-2011-os.pdf

Water Access

USDA: Water Availability During National School Lunch Program Meal Service
www.fns.usda.gov/cnd/governance/Policy-Memos/2011/SP28-2011_osr.pdf

CDC: Water Access in Schools
www.cdc.gov/healthyyouth/npao/wateraccess.htm

ChangeLab Solutions: Drinking Water Access in Schools
www.changelabsolutions.org/childhood-obesity/products/water-access-in-school

ChangeLab Solutions: Policy Package on Water Access in Schools: Model Wellness Policy Language
www.changelabsolutions.org/childhood-obesity/products/water-access



Competitive Foods

USDA: Healthier US School Challenge
<http://teamnutrition.usda.gov/healthierUS/index.html>

CDC: Nutrition Standards for Foods in Schools
www.cdc.gov/healthyyouth/nutrition/standards.htm

Alliance for a Healthier Generation
www.healthiergeneration.org

National Association of State Boards of Education: State School Healthy Policy Database
http://nasbe.org/healthy_schools/hs/bytopics.php?topicid=3115&catExpand=acdnbtm_catC

Direct Certification

USDA Report to Congress Summary: Direct Certification in the National School Lunch Program
www.fns.usda.gov/ora/menu/published/cnp/FILES/DirectCert2011Summary.pdf

Pricing

USDA: Equity in School Lunch Pricing Fact Sheet
www.fns.usda.gov/cnd/governance/legislation/Pricing_Equity_Facts.pdf

USDA: Paid Lunch Equity Webinar
www.fns.usda.gov/cnd/Governance/Legislation/PLEwebinar.pdf

Local School Wellness Policies

USDA: Food and Nutrition Service website
www.fns.usda.gov

USDA: Local School Wellness Policies
www.fns.usda.gov/cnd/governance/Policy-Memos/2011/SP42-2011_os.pdf

ChangeLab Solutions: How to Enforce a Wellness Policy
www.changelabsolutions.org/publications/enforce-wellness-policy

CDC: Portal on School Health
www.cdc.gov/healthyyouth/schoolhealth/index.htm

RWJF: School District Wellness Policies: Evaluating Progress and Potential for Improving Children's Health Three Years After the Federal Mandate
www.bridgingthegapresearch.org/_asset/r08bgt/WP_2010_report.pdf

Action for Healthy Kids
www.actionforhealthykids.org

Farm-to-School

USDA: Farm to School Website
www.fns.usda.gov/cnd/f2s

USDA: Farm to School Grant Program
www.fns.usda.gov/cnd/f2s/f2_grant_program.htm

National Farm to School Network
www.farmtoschool.org

ChangeLab Solutions: Model School Board Resolution in Support of Establishing a Farm-to-School Program
www.changelabsolutions.org/publications/establishing-farm-school-program

Public Health Law Center: Sample School Wellness Policy: Farm to School
<http://publichealthlawcenter.org/sites/default/files/resources/ship-fs2-schoolwellnesssamplepolicylanguage-2011FarmtoSchool.pdf>



Endnotes

1. Gleason P and Sutor C. *Food for Thought: Children's Diets in the 1990s*. Mathematica Policy Research, Inc. 2001. Available at: www.mathematica-mpr.com/PDFs/childdiet.pdf.
2. Nord M. *Food Insecurity in Households with Children: Prevalence, Severity, and Household Characteristics*. Economic Information Bulletin No. (EIB-56). USDA Economic Research Service. September 2009.
3. Hollar D, Messiah SE, Lopez-Mitnik G, Hollar TL, Almon M, and Agatston AS. "Effect of a two-year obesity prevention intervention on percentile changes in body mass index and academic performance in low-income elementary school children." *American Journal of Public Health*, 100(4):646–553, April 2011.
4. *Id.*
5. USDA. *Nutrition Standards in the National School Lunch and School Breakfast Programs*. USDA Final Rule. 2012. Available at: www.gpo.gov/fdsys/pkg/FR-2012-01-26/pdf/2012-1010.pdf.
6. USDA. *National School Lunch Program Factsheet*. 2011. Available at: www.fns.usda.gov/cnd/Lunch/AboutLunch/NSLPFactSheet.pdf.
7. USDA. *National School Breakfast Program Factsheet*. 2011. Available at: www.fns.usda.gov/cnd/Breakfast/AboutBFast/SBPFactSheet.pdf.
8. USDA, *supra* note 5.
9. Brener N, O'Toole T, Kann L, Lowry R, and Wechsler H. "Availability of Less Nutritious Snack Foods and Beverages in Secondary Schools – Selected States, 2002–2008." *Morbidity and Mortality Weekly Report*, 56(39): 1102–1104, October 9, 2009.
10. Government Accountability Office. "School Meal Programs: Competitive Foods Are Widely Available and Generate Substantial Revenues for Schools." GAO-050563. Washington. 2005.
11. Food Research and Action Center. *How Competitive Foods in Schools Impact Student Health, School Meal Programs, and Students from Low-Income Families*. Available at: http://frac.org/pdf/CNR05_competitivefoods.pdf.
12. Trust for America's Health. *F as in Fat: How Obesity Threatens America's Future*. 2011.

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