

# Local School Wellness Policies for Maine

## **Child Nutrition and WIC Reauthorization Act**

On June 30, 2004, President Bush signed the Child Nutrition and WIC Reauthorization Act of 2004 into law, which contains a local school wellness policy provision. The wellness policy provision requires every school district that participates in the federal school meals programs to enact a wellness policy by the first day of the 2006-07 school year. Because all school districts in Maine have at least one school that participates in the federal school meal program, all school districts are required to develop a district-wide wellness policy.

## **Wellness Policy Topics and Stakeholders**

The school district policy must address the following areas but does not specify what the details must be:

- goals for nutrition education
- goals for physical activity
- nutrition guidelines for all foods available at school
- goals for other school-based activities designed to promote student wellness
- assurances that school meals guidelines are not less restrictive than federal requirements
- plans for evaluating implementation of the policy

The development of the local school wellness policy must involve parents, students, school food service staff the school board, school administrators and the public.

## **Wellness Councils:**

There is nothing in the language of the law that requires school systems to establish school wellness councils, although it does require involvement of the groups listed above. Use of a team approach is highly recommended however. School Administrative Units may have established Wellness Teams that could be a valuable resource in policy development.

## **Development of a Wellness Policy Using a Coordinated School Health Program(CSHP):**

The Federal requirement for a Wellness Policy is an excellent opportunity to strengthen and coordinate many aspects of school health, including: nutrition services, physical education/physical activity, health education, school climate, and the physical environment. Convening a new group or strengthening an existing school health committee with representatives from the required groups is likely to be more effective in assisting with policy development and sustaining policy and other improvements.

School Administrative Units, (SAUs), with a school health coordinator can use or enhance their existing Leadership Team or Advisory Council to help develop a Wellness Policy. Wellness Policy discussion is likely to raise awareness about CSHP among SAU policymakers and may set the stage for including language to recommend that the SAU use CSHP as the system designed to connect health with education.

## **Resources for Developing Wellness Policies**

During the 2005-06 school year, school districts and all interested parties should be focusing on putting together the district-level committees or working groups that will develop the wellness policy to be in place at the beginning of the 2006-2007 school year. There are numerous resources available to assist in this process

# 2005 Legislation

## Recent Maine Laws and their Implications

1. **MDOE Chapter 51** changes went into effect on July 17, 2005. These changes require schools to adopt the minimum nutritional value standard that has been in effect during the school day to any time of the day for foods on school property. Specific exceptions are allowed for fundraising type events but these must be reflected in school board *policies*. **Currently, there are amendments to Chapter 51 being developed, therefore, keeping up to date with the latest information is necessary.** In developing the school wellness policy, schools should review their existing policies and exceptions that address nutrition guidelines for all foods available or sold at schools.

Questions regarding this may be directed to:

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2. **MDOE Chapter 435 (formerly LD 796):** LD796 was passed in the last legislative session and does three things that may impact local wellness policies related to nutrition. First, that nutrition education for students and staff be incorporated as part of the school health program. Second, beginning in the fall of 2008, schools must post calories on prepackaged a la carte items. This information could also be incorporated into the nutrition component of comprehensive school health education. Increasing the information to include fat content, carbohydrates, sodium, etc. as part of that education could also be considered. Third, the Maine Department of Education may develop new rules for foods outside of the school meal program. The legislation requires that portion size standards be developed as well as other standards. It is unclear when the rules will be completed. This is an area that could be addressed by a wellness policy.

## The Process

A **law** is enacted by the legislature and within the law the legislature may require or authorize agency rule making. The statute enacted will specify whether or not the rule is **major substantive** or **routine technical**.

For **major substantive rules**, the state agency must complete the Administrative Procedures Act (APA) requirements for public participation in rule making and when that process is complete, the agency must submit the rule to the legislature for approval.

**Routine technical rules** must also be promulgated in accordance with the Administrative Procedures Act (APA) provisions. Upon completion of that process, the agency may promulgate the rule and require its implementation.