



Student Success
Through Wellness:

A Guide to Wellness Policies in Kentucky



Introduction to the Local School Wellness Policy

The Local School Wellness Policy (LSWP) requirement was established by the Child Nutrition and WIC Reauthorization Act of 2004, and further strengthened by the final ruling of the Healthy, Hunger-Free Kids Act (HHFKA) in August 2016. It requires each local education agency (LEA) participating in the National School Lunch Program and/or School Breakfast Program to develop a local school district wellness policy that promotes the health of students and addresses the growing problem of childhood obesity. The responsibility for developing a local school wellness policy is placed at the local level so the unique needs of each school under the jurisdiction of the LEA can be addressed. Furthermore, with the passing of the HHFKA Final Rule, greater emphasis is placed at the local level by requiring the LEA to establish wellness policy leadership. Leadership is defined as one or more LEA and/or school official(s) who have the **authority** and **responsibility** to ensure each school complies with the policy.

KDE Clarification:

Local school wellness policy refers specifically to the school DISTRICT policy, which for Kentucky schools is found in board policy, 09.2 Student Wellness. However, KRS 160.345 requires all K-5 school councils to adopt an individual school wellness policy that additionally includes a plan for moderate to vigorous activity. KDE encourages as a "best practice" that middle and high schools adopt an individual school level policy. Please review the KDE website for sample policies or contact KDE for questions with individual school wellness policies.



Kentucky Best Practice Approach



The Local School Wellness Policy (LSWP) is an opportunity to address school learning environments and to best equip districts and schools to equitably address the nutritional and physical activity needs of all students. The LSWP should be aligned to the annual district reporting requirements of KRS 158.856 and KRS 160.345. The Kentucky Department of Education's Division of Program Standards recommends that superintendents ensure that their districts are utilizing a Whole School, Whole Community, Whole Child approach with shareholders in the development and implementation of the LSWP.





Every Student Succeeds Act (ESSA)

The LSWP should serve as a means for local school boards to demonstrate local commitment to providing school environments that promote student success via health, well-being and ability to learn by supporting healthy living and physical activity.

ESSA includes both physical and health education within the definition of a well-rounded education for the first time, allowing for eligibility of federal funding for school improvement areas. Physical education and health education are important academic areas that contribute to the needs of the whole child.

Final Rule: Local School Wellness Policy Implementation Under the HHFKA of 2010

Last Published: 07/29/2016

This final rule requires all local educational agencies that participate in the National School Lunch and School Breakfast Programs to meet expanded local school wellness policy requirements consistent with the requirements set forth in section 204 of the Healthy, Hunger-Free Kids Act of 2010. The final rule requires each local educational agency to establish minimum content requirements for the local school wellness policies, ensure stakeholder participation in the development and updates of such policies and periodically assess and disclose to the public schools' compliance with the local school wellness policies. These regulations are expected to result in local school wellness policies that strengthen the ability of a local educational agency to create a school nutrition environment that promotes students' health, well-being and ability to learn. In addition, these regulations will increase transparency for the public with regard to school wellness policies and contribute to integrity in the school nutrition program.

<https://www.fns.usda.gov/school-meals/fr-072916c>



Federal Requirements for LSWP:

School districts can develop wellness policies to meet the unique needs of each school under its jurisdiction, but at a [minimum](#) are required to:

Include goals for [nutrition promotion and education](https://www.cdc.gov/healthyschools/nutrition/schoolnutrition.htm) (<https://www.cdc.gov/healthyschools/nutrition/schoolnutrition.htm>), [physical activity](https://www.cdc.gov/healthyschools/physicalactivity/facts.htm) (<https://www.cdc.gov/healthyschools/physicalactivity/facts.htm>) and other school-based activities that promote students wellness. In developing these goals, local educational agencies must review and consider evidence-based strategies.

Include nutrition guidelines for all foods sold on each school campus during the school day that are consistent with federal regulations for [school meals](#) and [Smart Snacks in School nutrition standards](#).

Include policies for foods and beverages made available to students (e.g., in [classroom parties](#) (<https://www.cdc.gov/healthyschools/nutrition/schoolnutrition.htm>), classroom snacks brought by parents, other foods given as incentives).

Include policies for [food and beverage marketing](#) that allow marketing and advertising of only those foods and beverages that meet the [Smart Snacks in School nutrition standards](#).

Permit parents (<https://www.cdc.gov/healthyschools/parentengagement/parentsforhealthyschools.htm>), students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators and the general public to participate in the development implementation and update of the local school wellness policy.

Identify one or more school districts or school officials that have the authority and responsibility to ensure each school complies with the policy.

Inform and update the public (including parents, students and others in the community) about the local school wellness policy on an annual basis.

At least once every three years, measure the extent to which schools are in compliance with the local school wellness policy, the extent to which the local wellness policy compares to model policies, the progress made in attaining the goals of the local wellness policy and make this assessment available to the public.

Comply with all of these requirements by June 30, 2017.

<https://www.cdc.gov/healthyschools/npao/wellness.htm>

Policy Development and Implementation Pointers



1. **Contact KSBA** for drafting assistance *before* adopting policy.
2. **Leave room** for administrative discretion in implemenatation.
3. **Crosscheck potential changes** in discipline policy **for consistency** with other policies and other sources of guidance (current code of conduct, staff and student handbooks).
4. **Explore** whether the proposed policy creates **potential conflicts** with **SBDM** policies.
5. Avoid zero tolerance penalties.
6. **Consider the fiscal impact.** Are adequate resources available to implement the policy?
7. With assistance of the board attorney as needed, **evaluate whether proposed policy language could be interpreted to create new duties not mandated by law**, thereby creating potential liability concerns.
8. Ask the superintendent to **involve the board attorney** on issues with potenial legal implications (staff/student drug testing, cell phone searches, off-campus cyberbullying, staff/student use of social networking sites, etc.).
9. **Confirm** with the superintendent **how new and revised policies will be communicated** to staff, students and community.
10. **Regularly review and discuss** your policies; keep them on the front burner. Staff and the community will take their cue from the board's emphasis.

KSBA

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Kentucky Best Practice Approach Well-SAT 2.0

In passing the Child Nutrition and WIC (Women, Infants and Children program) Reauthorization Act of 2004, Congress mandated that all school districts participating in federal school meal programs create and implement school wellness policies by July 2006. In 2010, the Healthy, Hunger-Free Kids Act strengthened local wellness policy requirements and added requirements for public participation, transparency and implementation. These policies must address nutrition education, nutrition standards for foods sold, and physical activity, and must include measures for evaluating the policy's effectiveness.

By completing the updated Wellness School Assessment Tool, WellSAT 2.0 users will be able to assess the quality of their school district's wellness policy* and will be provided with personalized guidance and resources for making improvements, based on the assessment.

*WellSAT 2.0 measures the quality of written policies. A printable copy of the WellSAT 2.0 is available at <http://wellsat.org/>. For information on how to assess wellness policy implementation, email margaret.read@uconn.edu.

<http://wellsat.org/>



State Legislated Requirements

Legal Requirements Summary for KRS 158.856/KRS 160.345 are as follows:

- ▶ Conduct an annual evaluation of the nutrition and physical activity environment.
- ▶ Post a report to the district website about the nutrition and physical activity environments for schools within the district at least 60 days prior to the public forum, which must occur no later than Jan. 31.
- ▶ Discuss findings of the nutrition report and physical activity report and seek public comments during a publicly advertised special board meeting or at the next regularly scheduled board meeting following the release of the nutrition and physical activity reports.
- ▶ Hold an advertised public forum by Jan. 31 of each year to present a plan to improve school nutrition and physical activities in the school district.
- ▶ Compile a summary of school districts findings and recommendations by May 1 of each year and submit the summary to the Kentucky Board of Education via wellnessreport@education.ky.gov.

Timeline at a Glance

July to October

- ▶ Complete the Alliance for a Healthier Generation’s Healthy Schools Program Assessment (or school health assessment chosen by the district).

November

- ▶ Release assessment results via district website, must be 60 days prior to Jan. 31 per 702 KAR 6:090
- ▶ Discuss results and seek public comment following the release of the report

November to January

- ▶ Utilize assessment results and public comments to compile findings and recommendations for updating the school nutrition and physical activity environment via the Local School Wellness Policy.

By Jan. 31

- ▶ Hold a public forum to present plan to improve the school nutrition and physical activity environment via the Local School Wellness Policy.

By May 1

- ▶ Submit findings and a summary of recommendations to KDE.
- ▶ Update the Local School Wellness Policy and post to district website.

1, 2, 3 Approach

STEP 1:

All schools in the district will complete the Alliance for a Healthier Generation’s Healthy Schools Program assessment, or other assessment chosen by the district, prior to Oct. 1 annually to provide school-level data for the public forum. (702 KAR 6:090 Section 5 (1,a) / Section 6 (1)).

STEP 2:

By no later than Jan. 31, the local board of education shall hold an advertised public forum to present a plan to improve school nutrition and physical activities in the school district including a summary of data from the annual assessment (KRS 158.856 (5)).

- ▶ Post the district report to district website. Other media is also recommended, but not required.
- ▶ Schedule and advertise the public forum.
- ▶ Each school board shall discuss the findings of the nutrition report and physical activity report and seek public comments during a publicly advertised special board meeting or at the next regularly scheduled board meeting following the release of the nutrition and physical activity reports. (KRS 158.856 (4))

STEP 3:

By May 1, the superintendent or designee will submit the nutrition and physical activity report, including a summary of **findings and recommendations**, to the Kentucky Board of Education via wellnessreport@education.ky.gov and post to the district website. (702 KAR 6:090 Section 5 (1,c)/Section 6 (2))

1. Summarize comments from the public forum, and the discussion from wellness committee meetings about findings assessment report.
2. Compile recommendations that could include any or all of the following:
 - ▶ Strengthening and/or modifying the district wellness policy
 - ▶ Implementation of the district wellness policy
 - ▶ Implementing the plan to improve the school nutrition and physical activity environments in aligning with a well-rounded education.
 - ▶ Inclusion of wellness goals, strategies and/ or activities in the Comprehensive School Improvement Plan and Comprehensive District Improvement Plan to improve access and opportunity state measurements for the whole child.

How to Communicate your Local School Wellness Policy

Help parents and school staff get involved with the development and implementation of your local school wellness policy using the USDA Food and Nutrition Service’s [Team Nutrition Local Wellness Policy Outreach Toolkit](#). School districts and schools can customize to communicate information about their Local School Wellness Policy to parents and staff.



KDE Best Practice Approach

Alliance for a Healthier Generation's Healthy Schools Program

In December 2016, the Kentucky Board of Education (KBE) approved the Alliance for a Healthier Generation's Healthy Schools Program (HSP) assessment as a tool that each school district may use to evaluate its nutrition and physical activity environment. KRS 158.856 and KRS 160.345 require an annual assessment tool and public reporting. This board-approved action was in response to a recommendation by the Office of Education Accountability (OEA) as part of the Recess and Physical Education (K-5) Report, published in November 2015.

The Healthy Schools Program is an evidenced-based approach that each school and district may use for compliance with KRS 158.856 and KRS 160.345. In October 2016, KDE issued updated guidance recommending the Healthy Schools Program assessment. However, districts may choose to use their own assessment tool for annual reporting requirements.

- ▶ District administrator for Healthy Schools Program complete the district wide questions (i.e. food service director for module 2)
- ▶ A school building level contact and Coordinated School Health committee identified for each school
- ▶ Schools complete or update modules 1, 2, 3, 4, 7 and 8 of the Healthy Schools Program assessment (note modules 5 and 6 are available but not required as they do not contain physical activity or nutrition questions)
- ▶ Report back to district Coordinated School Health council contact when modules are fully answered.
- ▶ Email help@healthiergeneration.org by Oct. 1 to request district HSP report, once all schools have completed or updated the online assessment



LEA Submission of Findings and Recommendations Sample Template

KRS 158.856 requires school districts to compile a summary of findings and recommendations and submit the summary to the Kentucky Board of Education by May 1 of each year. Submit to wellnessreport@education.ky.gov

Area of Assessment: NUTRITION

Findings:

Recommendations:

Area of Assessment: Physical Activity/Physical Education

Findings:

Recommendations:

APPENDIX

KRS 158.856

Annual assessment and evaluation of school nutrition in district special board meeting and public forum to discuss nutrition and physical activity in the schools

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(1) School district to prepare and submit findings and recommendations to Board of Education. Each school food service director shall annually assess school nutrition in the district and issue a written report to parents, the local school board, and school-based decision making councils. The report shall include:

(a) An evaluation of compliance with the National School Breakfast and National School Lunch programs;

(b) An evaluation of the availability of contracted fast foods or foods sold through commercial vendors;

(c) A review of access to foods and beverages sold outside the National School Breakfast and National School Lunch programs, including vending machines, school stores, canteens, and a la carte cafeteria sales

(d) A list of foods and beverages that are available to students, including the nutritional value of those foods and beverages; and

(e) Recommendations for improving the school nutrition environment.

(2) The Kentucky Board of Education shall develop an assessment tool that each school district may use to evaluate its physical activity environment.

(3) The evaluation shall be completed annually and released to the public at the time of the release of the nutrition report under subsection (1) of this section.

(4) Each school board shall discuss the findings of the nutrition report and physical activity report and seek public comments during a publicly advertised special board meeting or at the next regularly scheduled board meeting following the release of the nutrition and physical activity reports.

(5) By January 31 of each year, the local board of education shall hold an advertised public forum to present a plan to improve school nutrition and physical activities in the school district.

(6) Each school district shall compile a summary of findings and recommendations and submit the summary to the Kentucky Board of Education

Effective:

June 20, 2005

History:

Created 2005 Ky. Acts ch. 84, sec. 5, effective June 20, 2005.

KRS 160.345

Required adoption of school councils for school-based decision making:--Wellness policy.

Each school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the principal, shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. Each school council, or if there is no school council, the principal, shall adopt an assessment tool to determine each child's level of physical activity on an annual basis. The council or principal may utilize an existing assessment program. The Kentucky Department of Education shall make available a list of available resources to carry out the provisions of this subsection. The department shall report to the Legislative Research Commission no later than November 1 of each year on how the schools are providing physical activity under this subsection and on the types of physical activity being provided. The policy developed by the school council or principal shall comply with provisions required by federal law, state law, or local board policy.

Effective:

July 15, 2016

<http://www.lrc.ky.gov/kar/702/006/090.htm>

702 KAR 6:090. Minimum nutritional standards for foods and beverages available on public school campuses during the school day; required nutrition and physical activity reports.

RELATES TO: KRS 156.035, 156.160, 156.200, 158.854(1), 158.856, 160.345, 7 C.F.R. 210.11

STATUTORY AUTHORITY: KRS 156.160, 158.854(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.854(1) requires the Kentucky Board of Education to promulgate an administrative regulation to specify the minimum nutritional standards for all foods and beverages that are sold outside the National School Breakfast and National School Lunch programs, whether in vending machines, school stores, canteens, or a la carte cafeteria sales.[KRS 158.854(1) requires that the administrative regulation address serving size, sugar, and fat content of the foods and beverages.] This administrative regulation establishes the minimum nutritional standards for food and beverages available on the school campus during the school day[and establishes reporting requirements for local school districts for nutrition and physical activity].

Section 1. Beverages. During the period of time beginning thirty (30) minutes after the last lunch period until the end of the last instructional period, a beverage offered for sale through a vending machine, school store, canteen, or fundraiser on school property shall meet the requirements established in 7 C.F.R. 210.11[:

Section 2. Food. During the period beginning thirty (30) minutes after the last lunch period until the end of the last instructional period, a food item offered for sale through a vending machine, school store, canteen, or fundraiser on school property shall meet the requirements established in 7 C.F.R. 210.11[this section.

Section 3. A la carte Items. A food or beverage item offered for sale as an a la carte item on the cafeteria line during the serving of breakfast or lunch shall meet the requirements established in 7 C.F.R. 210.11[following standards:

Section 4. Local District Nutrition Program Report.

(1) A school nutrition director of the local district shall complete the assessment of the nutrition program required under KRS 158.856 and issue a report at least sixty (60) days prior to the public forum required by KRS 158.856(5).

(2) The director may issue the report via posting to the district Web site.

(3) A local district superintendent shall submit a summary of the findings and recommendations of the nutrition report as required by KRS 158.856(6) to the Kentucky Department of Education by May 1 of each year.

Section 5. Student Physical Activity. (1) A local district superintendent shall evaluate the student physical activity environment, including the amount of time and types of physical activity provided in the elementary schools, as required in KRS 160.345(11), and release the report at least sixty (60) days prior to the public forum required by KRS 158.856(5).

(2) A local district superintendent shall submit the report on physical activity, including a summary of findings and recommendations to the Department of Education by May 1 of each year.

(3) The superintendent may release the report via posting to the district Web site.



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