

42 USC 1758b: Local school wellness policy

Text contains those laws in effect on July 9, 2014

From Title 42-THE PUBLIC HEALTH AND WELFARE

CHAPTER 13-SCHOOL LUNCH PROGRAMS

Jump To:[Source Credit](#)[References In Text](#)[Effective Date](#)**§1758b. Local school wellness policy****(a) In general**

Each local educational agency participating in a program authorized by this chapter or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for all schools under the jurisdiction of the local educational agency.

(b) Guidelines

The Secretary shall promulgate regulations that provide the framework and guidelines for local educational agencies to establish local school wellness policies, including, at a minimum,-

- (1) goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness;
- (2) for all foods available on each school campus under the jurisdiction of the local educational agency during the school day, nutrition guidelines that-
 - (A) are consistent with sections 1758 and 1766 of this title, and sections 4 and 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1773, 1779); and
 - (B) promote student health and reduce childhood obesity;
- (3) a requirement that the local educational agency permit parents, 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 periodic review and update of the local school wellness policy;
- (4) a requirement that the local educational agency inform and update the public (including parents, students, and others in the community) about the content and implementation of the local school wellness policy; and
- (5) a requirement that the local educational agency-
 - (A) periodically measure and make available to the public an assessment on the implementation of the local school wellness policy, including-
 - (i) the extent to which schools under the jurisdiction of the local educational agency are in compliance with the local school wellness policy;
 - (ii) the extent to which the local school wellness policy of the local educational agency compares to model local school wellness policies; and
 - (iii) a description of the progress made in attaining the goals of the local school wellness policy; and
 - (B) designate 1 or more local educational agency officials or school officials, as appropriate, to ensure that each school complies with the local school wellness policy.

(c) Local discretion

The local educational agency shall use the guidelines promulgated by the Secretary under subsection (b) to determine specific policies appropriate for the schools under the jurisdiction of the local educational agency.

(d) Technical assistance and best practices**(1) In general**

The Secretary, in consultation with the Secretary of Education and the Secretary of Health and Human

Services, acting through the Centers for Disease Control and Prevention, shall provide information and technical assistance to local educational agencies, school food authorities, and State educational agencies for use in establishing healthy school environments that are intended to promote student health and wellness.

(2) Content

The Secretary shall provide technical assistance that-

(A) includes resources and training on designing, implementing, promoting, disseminating, and evaluating local school wellness policies and overcoming barriers to the adoption of local school wellness policies;

(B) includes model local school wellness policies and best practices recommended by Federal agencies, State agencies, and nongovernmental organizations;

(C) includes such other technical assistance as is required to promote sound nutrition and establish healthy school nutrition environments; and

(D) is consistent with the specific needs and requirements of local educational agencies.

(3) Study and report

(A) In general

Subject to the availability of appropriations, the Secretary, in conjunction with the Director of the Centers for Disease Control and Prevention, shall prepare a report on the implementation, strength, and effectiveness of the local school wellness policies carried out in accordance with this section.

(B) Study of local school wellness policies

The study described in subparagraph (A) shall include-

(i) an analysis of the strength and weaknesses of local school wellness policies and how the policies compare with model local wellness policies recommended under paragraph (2)(B); and

(ii) an assessment of the impact of the local school wellness policies in addressing the requirements of subsection (b).

(C) Report

Not later than January 1, 2014, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the findings of the study.

(D) Authorization of appropriations

There are authorized to be appropriated to carry out this paragraph \$3,000,000 for fiscal year 2011, to remain available until expended.

(June 4, 1946, ch. 281, §9A, as added Pub. L. 111–296, title II, §204(a), Dec. 13, 2010, 124 Stat. 3216.)

REFERENCES IN TEXT

The Child Nutrition Act of 1966, referred to in subsec. (a), is Pub. L. 89–642, Oct. 11, 1966, 80 Stat. 885, which is classified generally to chapter 13A (§1771 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of this title and Tables.

EFFECTIVE DATE

Section effective Oct. 1, 2010, except as otherwise specifically provided, see section 445 of Pub. L. 111–296, set out as an Effective Date of 2010 Amendment note under section 1751 of this title.