



All public school districts nationwide are required to implement a “wellness policy” to promote student health. This fact sheet is designed to help parents and community advocates ensure that their district’s policy is enforced.

How to Enforce a Wellness Policy A Guide for Parents and Community Advocates

All local educational agencies and school districts receiving federal funding for food programs are required to have a wellness policy in place.¹ The wellness policy must:

- Set goals for nutrition education, nutrition promotion, physical activity, and other school-based activities to promote student wellness
- Establish nutrition guidelines for all foods available on school grounds during the day, with the intention of promoting student health and reducing childhood obesity
- Ensure that nutrition guidelines for reimbursable school meals are not less restrictive than federal guidelines
- Involve parents, students, representatives of the school food authority, the school board, school administrators, teachers of physical education, school health professionals, and the public in the development, implementation, and periodic review and update of the school wellness policy
- Establish a plan to measure periodically the implementation of the wellness policy and designate one or more district or school officials to ensure progress is made in attaining the goals of the school wellness policy
- Inform and update the public, including parents, students, and others in the community, about the content and implementation of the school wellness policy (this requirement paves the way for community members to help enforce the policy)



**ChangeLab
Solutions**

Law & policy innovation
for the common good.



NATIONAL POLICY & LEGAL ANALYSIS NETWORK
TO PREVENT CHILDHOOD OBESITY

If you are concerned your school or district is not following its wellness policy, here are some steps you can take.

1. Obtain a copy of the wellness policy.

The policy and its supporting regulations or implementation plan (different districts will use different terms) should be available at the district or school office. Under state law, the wellness policy is a public record, and the district must provide a copy upon request.

2. Review the policy.

Become familiar with the requirements, and look at the language used. Does the policy use mandatory terms like “require” and “must,” or discretionary terms like “recommend” or “suggest”? Mandatory terms require compliance; discretionary terms do not. Note whether some of the changes are subject to timelines and when the changes are required. If the district or school does not appear to be following parts of the policy, review the section of the policy that indicates how implementation will be measured, and identify the person(s) at the district responsible for ensuring it will be met.

3. Seek out allies.

Group efforts to make change can be more powerful than individuals working alone. Identify and coordinate your efforts with parents, students, community groups, teachers, and others who share your concerns.

4. Notify district personnel about the lack of compliance.

You may want to contact the person(s) identified in the wellness policy, an official at the school, or both. If only one school is failing to comply, contact the school official first to make sure the school is familiar with the wellness policy. Noncompliance is often due to unawareness, not intention.

Obtain a copy of the district’s procedure for filing complaints, and follow it. The complaint procedure generally will involve telephoning the individual(s), writing an email or letter, or setting up an appointment to meet with the person(s). Be prepared to explain what the wellness policy requires and specifically how the district or school has failed to meet the requirement. Ask how the school will work to ensure compliance: you may wish to suggest a plan of action, including support (such as increased funding) for administrative and other changes necessary to support compliance.

If an initial telephone call is unsuccessful, either make the complaint in writing or schedule a meeting. Be sure to keep a record of all of your written communication with district personnel, and take notes on any phone conversations.

5. Work up the chain of command.

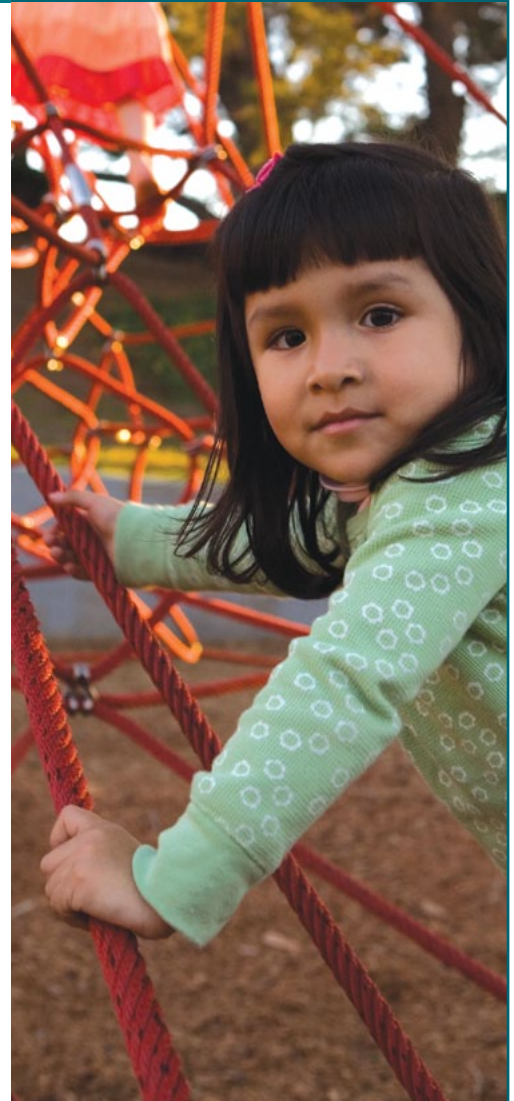
If you do not get a satisfactory response, contact the person’s supervisor in writing. In your written complaint, be sure to explain how the school or district has failed to comply with the wellness policy, as well as the history of your contact with the school district staff and what response (if any) you received. Follow up with a phone call, if necessary.

6. Contact the school board.

If your attempts to work with the district or school continue to fail, inform the school board (which is responsible for reviewing and approving all school policies) so that it may take action. Contact the board either in writing or by attending a meeting. School board meetings are open to the public, and there is usually a portion of the agenda during which the public is entitled to address the board. (Prepare your remarks in advance; the time to speak is usually quite limited.) Focus your remarks on what the policy requires, how the district is failing to implement the policy properly, and your suggestions for a plan of action.

7. Say thanks.

Remember, noncompliance is often unintentional: a school may not know about the wellness policy or have the funding or time to adequately supervise compliance. In any case, it is helpful to write a brief thank-you note to the individual(s) responsible for correcting the violation, sending a copy to the individual’s supervisor. Expressing appreciation for the correction may help if future problems develop.



Photos by Lydia Daniller

The National Policy & Legal Analysis Network to Prevent Childhood Obesity (NPLAN) is a project of ChangeLab Solutions. ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

Support for this document was provided by a grant from the Robert Wood Johnson Foundation.

© 2012 ChangeLab Solutions

¹ Healthy, Hunger-Free Kids Act of 2010, S. 3307, 111th Cong. (2010). Available at: www.fns.usda.gov/cnd/Governance/Legislation/CNR_2010.htm.