

# Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

## Child Nutrition Program Provisions

| Reg #                           | Provisions/Sections of Law  | Statutory Deadlines for Actions  | Actions and Estimated Timeframes   |
|---------------------------------|---|--|--|
| <b>Child Nutrition Programs</b> |   |  |  |
| 1                               | <b>Dietary Guidelines for School Meals</b> (sec 201, 202) <ul style="list-style-type: none"> <li>Includes fluid milk provision from sec 202</li> </ul>  | The law requires USDA to issue a proposed rule within 18 months of enactment, and an implementing rule within 18 months of issuance of the proposal.   | <ul style="list-style-type: none"> <li>Proposed Rule (published 1/13/11; public comment period ended 4/13/11).</li> <li>Status Report to Congress (quarterly)</li> <li>Proposed Rule comment analysis (completed Spring 2011)</li> <li>Final Rule (published 1/26/12)</li> </ul> |
| 2                               | <b>Competitive Foods</b> (sec 208, 203) <ul style="list-style-type: none"> <li>Includes water provision from sec 203</li> </ul>   | The law requires USDA to issue a proposed rule on competitive foods within 1 year of enactment, and has restrictions on when the implementing rule can take effect to give schools sufficient lead time. | <ul style="list-style-type: none"> <li>Status Report to Congress (quarterly)</li> <li>Proposed Rule (published 2/9/13)</li> <li>Final Rule (TBD)</li> </ul>  |
| 3                               | <b>Compliance/Certification for New School Meal Patterns</b> (sec 201, 207) <ul style="list-style-type: none"> <li>Certification for 6 cent performance based reimbursement rate increase (sec 201)</li> <li>State agency monitoring (sec 207)</li> </ul> | <p>The reimbursement rate increase is effective the later of: 10/1/12 or publication of the implementing regulations for school meals.</p> <p>(Procedures for certification must be in place when</p>    | <ul style="list-style-type: none"> <li>Interim Rule (published 4/27/12)</li> <li>Guidance materials on State certification of schools (issued Spring 2012)</li> <li>Funding allocation memo for State agencies (issued 12/29/11)</li> </ul>                                      |

Updated April 2013

Highlighted items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

## Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

### Child Nutrition Program Provisions

| Reg # | Provisions/Sections of Law   | Statutory Deadlines for Actions  | Actions and Estimated Timeframes  |
|-------|--|--|---|
|       |  | reimbursement becomes available.)<br><br>Funding for State agency implementation of new requirements is available for two years beginning the fiscal year of publication of the implementing regulations for school meals. | <ul style="list-style-type: none"> <li>Final Rule (TBD)</li> </ul>  |
| 4     | <b>School Food Service Account Revenue</b> <ul style="list-style-type: none"> <li>Paid Meal Pricing (sec 205)</li> <li>Revenue from a la carte Foods (sec 206 )</li> </ul> | Effective School Year beginning 7/1/11.  | <ul style="list-style-type: none"> <li>Paid Meal Pricing Fact sheet (issued 3/2/11)</li> <li>Interim Rule (published 6/17/11)</li> <li>Questions and Answers (issued June 2011, October 2011)</li> <li>Monitor impact on participation (ongoing)</li> </ul> |
| 5     | <b>Direct Certification Continuous Improvement Plans and State Bonuses</b> (sec 101)   | Requirement for plans is based on direct certification results from SY 2011/2012, which is reported to FNS in April 2012.<br><br>State bonus payments (\$4 million total per year) are                                     | <ul style="list-style-type: none"> <li>Implementation Memo with criteria for State bonuses and use of funds (issued 4/28/11)</li> <li>Implementation Memo on threshold requirements and continuous</li> </ul>   |

Updated April 2013

Highlighted items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

## Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

### Child Nutrition Program Provisions

| Reg # | Provisions/Sections of Law                                | Statutory Deadlines for Actions  | Actions and Estimated Timeframes  |
|-------|---|--|---|
|       |   | available for performance in SY's beginning July 2011, 2012 and 2013.  | <p>improvement plans (issued 4/28/11)</p> <ul style="list-style-type: none"> <li>• Proposed Rule (published 1/31/12; comment period through 4/2/12)</li> <li>• Issue bonus awards to States (no later than September 2012, 2013 and 2014)</li> <li>• Identify and notify States that do not meet required threshold (Fall 2012 + annually)</li> <li>• Approve State plans (<b>Spring 2013</b> + annually)</li> <li>• Final Rule (<b>published 2/22/13</b>)</li> </ul> |
| 6     | <b>CACFP Meal Patterns</b> (sec 221)                      | The law requires USDA to publish a proposed rule within 18 months of meal pattern review.                      | <ul style="list-style-type: none"> <li>• Review November 2010 IOM Report on CACFP Meal Patterns (completed)</li> <li>• Proposed Rule (<b>Summer 2013</b>)</li> <li>• Final Rule (<b>Winter 2014</b>)</li> </ul>   |
| 7     | <b>Community Eligibility</b> ("Provision 4") (sec 104(a)) | Effective in 3 selected States beginning 7/1/11; in 3 additional States 7/1/12; in 4 additional States 7/1/13; | <ul style="list-style-type: none"> <li>• Issue guidance/Request for Applications (issued 3/15/11, 2/9/12, and <b>12/7/12</b>)</li> <li>• Notify selected States for 1<sup>st</sup> year of</li> </ul>   |

Updated April 2013

**Highlighted** items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

# Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

## Child Nutrition Program Provisions

| Reg #                                   | Provisions/Sections of Law   | Statutory Deadlines for Actions  | Actions and Estimated Timeframes   |
|---|--|--|--|
|   |  | nationwide beginning 7/1/14. The law requires USDA to issue “guidance to implement” this provision by 3/13/11, and to promulgate “regulations that establish procedures” by 12/31/13.        | <p>phase-in (Spring 2011 + annually through 2014)</p> <ul style="list-style-type: none"> <li>Proposed Rule (Summer 2013)</li> <li>Interim or Final Rule (no later than December 2013)</li> </ul>   |
| N/A                                     | <b>Direct Certification with Medicaid</b> (sec 103)  | Beginning July 2012, directs the Secretary to conduct a demonstration project to test the potential for direct certification with Medicaid in selected LEAs. (Multi-year phase in provided). | <ul style="list-style-type: none"> <li>No regulation needed</li> <li>Release Request for Applications for Demonstration Project (initial RFA released 9/2/11; second year RFA released 11/28/12)</li> <li>Select States and LEAs for 2012 demo (States selected March 2012; LEAs identified in June 2012)</li> <li>Select States and LEAs for 2013 demo (Spring 2013)</li> </ul> |
| <b>Other Child Nutrition Provisions</b> |  |  |  |
| <b>8</b>                                | <b>Miscellaneous Nondiscretionary Provisions</b> <ul style="list-style-type: none"> <li>Categorical Eligibility Foster Children (sec 102)</li> <li>SFSP Eligibility Rules for Nonprofits (sec 111)</li> <li>Outreach to Eligible Families-SBP/SFSP (sec</li> </ul> |  | <ul style="list-style-type: none"> <li>Implementation Memo for each provision (issued December 2010 through June 2011)</li> <li>Revise SFSP Handbooks to reflect new</li> </ul>  |

Updated April 2013

Highlighted items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

# Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

## Child Nutrition Program Provisions

| Reg # | Provisions/Sections of Law   | Statutory Deadlines for Actions                               | Actions and Estimated Timeframes  |
|-------|--|---|---|
|       | 112) <ul style="list-style-type: none"> <li>• CACFP Area Eligibility (sec 121)</li> <li>• Privacy Protection (sec 301)</li> <li>• Applicability of food safety program (sec 302)</li> <li>• SFSP Permanent Agreements (sec 321)</li> <li>• CACFP Permanent Agreements (sec 331)</li> </ul>   |   | program requirements (issued February 2011) <ul style="list-style-type: none"> <li>• Update prototype free and reduced price applications (issued Spring 2011)</li> <li>• Translations of prototype applications and materials (issued August 2011)</li> <li>• Update School Meal Eligibility Guidance (issued October 2011)</li> <li>• Update food safety guidance to reflect meal service outside of the cafeteria (Spring 2012)</li> <li>• Final rule (published 2/28/13)</li> </ul> |
| 9     | <b>Omnibus CACFP Provisions</b> <ul style="list-style-type: none"> <li>• Unannounced visits, sponsor/center agreements, one-time applications w/annual updates (sec 331)</li> <li>• State Liability for Payments (sec 332)</li> <li>• Transmission of Income Information (sec 333)</li> <li>• Sponsor Administrative Funds (sec 334)</li> <li>• CACFP Audit Funding (sec 335)</li> </ul> | The CACFP Audit Funds provision becomes effective in FY 2015. | <ul style="list-style-type: none"> <li>• Implementation Memos (issued December 2010 through April 2011)</li> <li>• Proposed Rule (published 4/9/12)</li> <li>• Final Rule (Fall 2013)</li> </ul>  |

Updated April 2013

Highlighted items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

## Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

### Child Nutrition Program Provisions

| Reg # | Provisions/Sections of Law   | Statutory Deadlines for Actions | Actions and Estimated Timeframes  |
|-------|--|---------------------------------|---|
| 10    | <b>Local Wellness Policies/School Nutrition Environment</b> <ul style="list-style-type: none"> <li>• Wellness policy requirements (sec 204)</li> <li>• Information for the public on the school nutrition environment (sec 209)</li> </ul> |                                 | <ul style="list-style-type: none"> <li>• Implementation Memo (issued 7/8/11)</li> <li>• Develop plan with CDC and ED for technical assistance activities (completed September 2011)</li> <li>• Coordinate with ED on information for the public on nutrition environment (ongoing)</li> <li>• Proposed rule (<b>Summer 2013</b>)</li> <li>• Final rule (<b>Winter 2014</b>)</li> </ul>  |
| 11    | <b>Professional Standards for School Food Service (sec 306)</b>  |                                 | <ul style="list-style-type: none"> <li>• Establish action plan and form committee to recommend appropriate standards (initial meeting held March 2012)</li> <li>• Enter into contract for development of training modules, as recommended by committee (<b>TBD</b>)</li> <li>• Proposed Rule (<b>Summer 2013</b>)</li> <li>• Enter into contract for ongoing certification of local directors and personnel (<b>TBD</b>)</li> </ul> |

Updated April 2013

**Highlighted** items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

## Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

### Child Nutrition Program Provisions

| Reg # | Provisions/Sections of Law  | Statutory Deadlines for Actions | Actions and Estimated Timeframes  |
|-------|---|---------------------------------|---|
|       |   |                                 | <ul style="list-style-type: none"> <li>• Final Rule (Summer 2014)</li> </ul>  |
| 12    | <b>Independent Review of Applications</b> (sec 304)   |                                 | <ul style="list-style-type: none"> <li>• Implementation Memo (Winter 2012)</li> <li>• Proposed rule (published 9/13/12)</li> <li>• Final rule (Summer 2013)</li> </ul>  |
| 13    | <b>Fines and Program Disqualifications</b> <ul style="list-style-type: none"> <li>• Program Fines (sec 303)</li> <li>• SFSP Disqualification (sec 322)</li> <li>• Disqualification (sec 362)</li> </ul> |                                 | <ul style="list-style-type: none"> <li>• Proposed Rule (Spring 2013)</li> <li>• Final Rule (Spring 2014)</li> </ul>   |
| 14    | <b>Program Evaluation</b> (sec 305)<br><br><b>Full Use of Federal Funds</b> (sec 361)   |                                 | <ul style="list-style-type: none"> <li>• Implementation Memos             <ul style="list-style-type: none"> <li>○ 2/18/11 (full use of funds)</li> <li>○ 3/8/11 (program evaluation)</li> <li>○ 3/29/11 &amp; 5/13/11 (FAQs on full use of funds)</li> </ul> </li> <li>• Final Rule (published 6/29/11)</li> </ul> |
|       | <b>Direct Certification: Use of Letter Method</b> (sec 101)   |                                 | <ul style="list-style-type: none"> <li>• Implementation memo (issued 1/14/11)</li> <li>• Include in existing interim rule on direct certification currently in clearance (published 4/25/11; public comments accepted through 10/24/11)</li> </ul>  |

Updated April 2013

Highlighted items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

# Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

## Child Nutrition Program Provisions

| Reg # | Provisions/Sections of Law  | Statutory Deadlines for Actions  | Actions and Estimated Timeframes   |
|-------|---|--|--|
|       | Census Data/Socioeconomic Surveys (sec 104(b))                                      |  | <ul style="list-style-type: none"> <li>Review Report from CN Stat and identify options for moving forward (report released Spring 2012)</li> <li>Develop and issue socioeconomic survey parameters (TBD)</li> <li>Select schools for socioeconomic survey option (Spring/Summer 2012)</li> </ul> |
|       | CACFP At-Risk Afterschool Meals (sec 122)   | The law requires USDA to issue guidelines and publish a handbook within 180 days of enactment, and to update annually. | <ul style="list-style-type: none"> <li>Implementation Memo (issued 12/17/10)</li> <li>Publish handbook on afterschool meals (published June 2011 + annual updates)</li> </ul>  |
|       | Review of local policies on meal charges and provision of alternate meals (sec 143) | The law requires USDA to prepare a report with recommendations, but no timeframe is specified.                         | <ul style="list-style-type: none"> <li>Analyze data from Year 1 of School Nutrition Operations Study (Winter 2014)</li> <li>Convene workgroup (2013)</li> <li>Draft report enters clearance (Winter 2013)</li> </ul>   |

Updated April 2013

Highlighted items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

## Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

### Child Nutrition Program Provisions

| Reg # | Provisions/Sections of Law   | Statutory Deadlines for Actions  | Actions and Estimated Timeframes  |
|-------|--|--|---|
|       | <b>CACFP Nutrition and Wellness – technical assistance activities</b> (sec 221)                  | The law requires USDA to provide a guidance handbook, not later than January 1, 2012, on improving meal quality and the child care wellness environment.   | <ul style="list-style-type: none"> <li>• Initial meeting with DHHS (held Winter 2011)</li> <li>• Develop technical assistance plan (Summer 2011)</li> <li>• Publish handbook (issued 1/13)</li> </ul>   |
|       | <b>Interagency coordination to promote health and wellness in child care licensing</b> (sec 222) |  | <ul style="list-style-type: none"> <li>• Present issue to Healthy Kids Healthy Futures Workgroup (Winter 2011)</li> <li>• Meetings with Federal Partners, including DHHS Child Care Bureau + CDC to develop and implement action plan (ongoing)</li> </ul>  |
|       | <b>Procurement and processing of food service products and commodities</b> (sec 242)             | Within 1 year of enactment, the law requires USDA to analyze the quantity and quality of nutrition information available to schools and food products and commodities and submit a report to Congress, including recommendations to improve access to information. | <ul style="list-style-type: none"> <li>• Collect data on availability of nutrition information through Request for Information and SN Operations Study (data expected Spring 2012)</li> <li>• Interim Report to Congress (January 2012)</li> <li>• Final Report to Congress (August 2012)</li> <li>• Develop and issue specs (ongoing)</li> </ul> |

Updated April 2013

Highlighted items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

## Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

### Child Nutrition Program Provisions

| Reg # | Provisions/Sections of Law                       | Statutory Deadlines for Actions  | Actions and Estimated Timeframes   |
|-------|--|--|--|
|       | <b>Farm to School Grants</b> (sec 243)           | Funding for grants of \$5 million per year becomes available beginning October 1, 2012.  | <ul style="list-style-type: none"> <li>• Release Request for Applications for first year of grants (issued Spring 2012)</li> <li>• Award first-year grants (issued November 2012)</li> </ul> <p>(cycle repeats annually)</p>   |
|       | <b>Indirect Costs</b> (sec 307)                  | The law requires USDA to issue guidance to school food authorities with rules on indirect costs and the nonprofit school food service account, within 180 days of enactment. | <ul style="list-style-type: none"> <li>• Issue guidance on indirect costs (issued 7/7/11)</li> <li>• Award evaluation contract (awarded August 2011)</li> <li>• Report to Congress (October 1, 2013)</li> </ul>  |
|       | <b>Ensuring safety of school meals</b> (sec 308) |  | <ul style="list-style-type: none"> <li>• Tasks ongoing</li> </ul>  |
|       | <b>CACFP Paperwork Reduction</b> (sec 336)       | The law requires that USDA report to Congress on CACFP administrative and paperwork burdens within 4 years of enactment.   | <ul style="list-style-type: none"> <li>• Initial stakeholder discussion (held Spring 2011)</li> <li>• Convene initial Paperwork Reduction Meeting with State and Local representatives (Fall 2011)</li> <li>• Draft report to Congress enters clearance (Spring 2014)</li> </ul> |

Updated April 2013

Highlighted items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

## Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

### Child Nutrition Program Provisions

| Reg # | Provisions/Sections of Law                                 | Statutory Deadlines for Actions | Actions and Estimated Timeframes  |
|-------|--|---------------------------------|---|
|       | <b>Food safety audits and reports by States</b> (sec 402)  |                                 | <ul style="list-style-type: none"> <li>• Implementation Memo (issued 1/25/11)</li> </ul>        |
|       | <b>Year Round Services for Eligible Entities</b> (sec 405) |                                 | <ul style="list-style-type: none"> <li>• Letter to California (issued December 2010)</li> </ul> |
|       | <b>Equipment Assistance Technical Correction</b> (sec 443) |                                 | <ul style="list-style-type: none"> <li>• Implementation Memo (issued December 2010)</li> </ul>  |

Updated April 2013

**Highlighted** items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

# Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

## Child Nutrition Program Provisions

| Reg #                                     | Provisions/Sections of Law  | Statutory Deadlines for Actions  | Actions and Estimated Timeframes  |
|---|---|--|---|
| <b>Research and Evaluation Activities</b> |   |  |   |
|   | <b>Direct certification for children receiving Medicaid benefits</b> (Sec. 103)         | <ul style="list-style-type: none"> <li>Interim report to Congress by October 1, 2014</li> <li>Final report to Congress by October 1, 2015</li> </ul> | <ul style="list-style-type: none"> <li>Release Request for Proposals for Evaluation (December 2011)</li> <li>Release Request for Applications for Demo (issued 9/2/11)</li> <li>Select States and LEAs for 2012 Demo (States selected March 2012; LEAs identified in June 2012)</li> <li>Select States and LEAs for 2013 demo (Spring 2013)</li> <li>Award Evaluation Contract (Spring 2012)</li> <li>Interim report to Congress (October 2014)</li> <li>Final report to Congress (October 2015)</li> </ul> |
|   | <b>Eliminating individual applications through community eligibility</b> (Sec. 104 (a)) | Evaluation report must be published by December 31, 2013   | <ul style="list-style-type: none"> <li>Release Request for Proposals for Evaluation (issued June 2011)</li> <li>Award Evaluation Contract (awarded September 2011)</li> </ul>   |

Updated April 2013

Highlighted items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

# Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

## Child Nutrition Program Provisions

| Reg # | Provisions/Sections of Law  | Statutory Deadlines for Actions   | Actions and Estimated Timeframes   |
|-------|---|---|--|
|       |   |   | <ul style="list-style-type: none"> <li>• Interim report to Congress (Summer 2013)</li> <li>• Report enters clearance (Fall 2013)</li> </ul>  |
|       | <p><b>Childhood Hunger Research and Demonstration Projects to End Childhood Hunger (Sec. 141)</b></p> | <ul style="list-style-type: none"> <li>• Report to Congress by December 13, 2011 on Indian Reservations and hunger</li> <li>• Report to Congress by December 31, 2013 and annually thereafter until completion of the projects</li> </ul> | <ul style="list-style-type: none"> <li>• Report to Congress on Indian reservations and hunger (delivered and published January 2012)</li> <li>• Consult with HHS, Labor, HUD (completed Fall 2012)</li> <li>• Develop and publish RFA for demonstration projects (Fall 2013)</li> <li>• Issue RFP for evaluation of projects (Fall 2013)</li> <li>• Release Request for Proposals for Research (Winter 2014)</li> <li>• Award demonstration projects and evaluation contract (Spring 2014)</li> <li>• Annual report to Congress on demo projects (starting Fall 2013)</li> <li>• Final summary enters clearance (Summer 2018)</li> </ul> |

Updated April 2013

Highlighted items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*

## Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

### Child Nutrition Program Provisions

| Reg # | Provisions/Sections of Law                                 | Statutory Deadlines for Actions  | Actions and Estimated Timeframes  |
|-------|--|--|---|
|       | <b>Study on nutrition and wellness in CACFP</b> (Sec. 223) | The Secretary must enter into a contract to conduct the study not less than 3 years after enactment  | <ul style="list-style-type: none"> <li>• Identify representative(s) from DHHS to collaborate in development of Request for Proposals for study (Winter 2011)</li> <li>• Obtain expert input on research questions and design from IOM workshop (February 2012)</li> <li>• Issue RFP for evaluation of projects (August 2013)</li> <li>• Award evaluation contract (December 2013)</li> <li>• Report enters clearance (Summer 2017)</li> </ul> |
|       | <b>Study of CACFP Supper Program</b> (sec 337)             | The law requires USDA to product a report that identifies best practices and barriers to participation in the supper program, within 1 year of enactment | <ul style="list-style-type: none"> <li>• Survey States (Summer 2011)</li> <li>• Report to Congress (sent 1/3/12)</li> </ul>   |

Updated April 2013

Highlighted items are changes since the last update.

*Note: Winter=January-March; Spring=April-June; Summer=July-September; Fall=October-December*