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NATIONAL POLICY & LEGAL ANALYSIS NETWORK TO PREVENT CHILDHOOD OBESITY

Model Wellness Policy Language for Water Access in Schools

Developed by the National Policy & Legal Analysis Network to Prevent Childhood Obesity (NPLAN), a ChangeLab Solution

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Introduction

With the passage of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), federal law now requires schools to make fresh drinking water available during mealtimes in school food service areas at no cost to students.[1] By providing drinking water as an alternative to soda and other sugar-sweetened beverages, schools can promote children's health overall and play an important role in the fight against childhood obesity. NPLAN has created a set of model goals and actions for schools to incorporate into their wellness policies to help promote access to free, safe drinking water.

The Importance of Water for Health and Obesity Prevention

Water is an essential nutrient, and drinking water has been shown to improve students' readiness to learn by increasing hydration and cognitive function.[2] Encouraging water consumption may also help limit excess weight gain.[3] About a third of children and adolescents in the United States are overweight or obese, and studies link rising obesity rates to the consumption of soda and other sugar-sweetened beverages (SSBs),[4] including sports drinks, energy drinks, and flavored milks, as well as coffees, teas, and fruit-flavored drinks with added sugar. In addition, the consumption of SSBs is associated with tooth decay, a common yet often neglected chronic disease among children and adolescents.[5] Drinking water (and in particular, fluoridated water), instead of SSBs, could help protect against tooth decay and prevent childhood obesity.[6]

A study of second- and third-graders in deprived urban areas of Germany conducted during the 2006-07 school year found that increasing access to free drinking water throughout the school day, combined with nutrition education focused on the importance of drinking water, was associated with a reduced risk of being overweight among the elementary school students.[7] The schools increased

free drinking water access by installing fountains that provided cooled, filtered water. Also, each child received a reusable plastic water bottle, and teachers organized students to fill the bottles in the mornings.

Access to Drinking Water in Schools

Because children spend most of their day at school, school policies and programs play an important role in water consumption among children and adolescents.[8] Making drinking water available in schools provides a healthy alternative to the SSBs that are widely available on many campuses. Unfortunately, free drinking water is not always readily accessible in schools. Barriers may include concerns (founded and unfounded) about the safety and quality of drinking water; students' preference for beverages other than tap water; the costs of improving drinking water access and quality; and a lack of sound policies promoting the availability of drinking water.

To date, most school policies and programs have focused on reducing the availability and consumption of SSBs, rather than on increasing drinking water access and intake.[9] When schools *have* shifted toward low-calorie and higher-nutrient beverages, one result has been an increase in the availability of *bottled* water.[10] However, students who cannot afford bottled water and do not drink tap water, due to a lack of availability or their personal preference, may not meet the recommended daily intake of water.[11] Schools can encourage students to drink tap water by adding comprehensive language to their wellness policies that emphasizes safe, free drinking water as an essential component of student health and wellness.

Bottled Water vs. Tap

Due to concerns about the safety of water from the faucet and the mass market appeal of packaged water, more than half of Americans drink bottled water.[12] This trend is reflected in schools; bottled water has become increasingly available in U.S. public schools as an alternative to tap water.[13] Despite Americans' poor perception of tap water safety and quality, bottled water is not necessarily safer than tap water.[14]Under the Safe Drinking Water Act, the U.S. Environmental Protection Agency (EPA) sets national health-based standards for drinking water.[15] The EPA drinking water standards apply to public water systems, which supply the majority of schools with tap water.[16] (The 8 to 11 percent of schools that receive water from a private water source, such as a well, are required to test their water and report problems to the state.[17]) Unlike tap water, bottled water is not regulated by the EPA, but instead is monitored by the U.S. Food and Drug Administration (FDA) as a packaged food.[18] The FDA rules exempt water packaged and sold in the same state (which is nearly 60 to 70 percent of bottled water sold in the United States), as well as carbonated or seltzer water.[19] While the FDA sets standards based on EPA drinking water standards, those rules are weaker than the EPA regulations that apply to big-city tap water.[20] Because bottled water is tested less frequently than tap water, and usually conducted by a laboratory that hasn't been certified by the state, bottled water may actually be less safe than tap water.[21] Bottled water may be the only option for schools with high levels of lead and other contaminants in tap water from solder, plumbing, or fixtures,[22] but ultimately, bottled water should be a temporary solution to providing safe drinking water in schools.

Why Wellness Policies?

Local school wellness policies (also known as "district wellness policies") set goals for nutrition, physical activity, and other school-based activities that promote student wellness.[23] All local educational agencies and school districts that receive federal funding for food programs are required to have a wellness policy establishing nutrition guidelines for all foods and beverages available on campus during the school day.[24]

Schools can include a provision in their wellness policies to provide students with access to safe, free drinking water to promote overall health and reduce the consumption of SSBs. But few local school wellness policies include language related to drinking water availability. According to a national study of school wellness policy content, during 2007-2008 only 12 percent of students were enrolled in a district with a policy that included language regarding the availability of free drinking water throughout the school day.[25] Even when such policies exist, the language is often limited in scope. At a minimum, a local school wellness policy should include language specifying that drinking water is made available in varied locations, not just in eating areas, and that students and staff have access to safe and palatable drinking water throughout the school day.

The Child Nutrition and WIC Reauthorization Act of 2004 requires all local educational agencies and schools participating in a child nutrition program authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to establish a school wellness policy.[26] While school districts were required to establish a plan for measuring the implementation of the wellness policy, they did not have to report on policy compliance and implementation.[27] But the Healthy, Hunger-Free Kids Act of 2010 (HHFKA) strengthens local school wellness policies by emphasizing ongoing implementation and assessment.[28] The HHFKA supports a robust process at the community level and expands the team of collaborators. The law also requires that school districts periodically inform and update the public about the content and implementation of the local wellness policies. (See "How to Enforce a Wellness Policy: A Guide for Parents and Community Advocates," another fact sheet from NPLAN, available at ***www.nplan.org****).*

Examples of Policies and Practices

Schools have adopted a variety of policies and programs to improve access to drinking water on campus. Schools often partner with local government, state agencies, nonprofit organizations, and private companies to fund their drinking water programs. Students, parents, and advocates can also work with schools to find innovative ways to increase access to safe, free drinking water. The following examples illustrate how some communities have supported this effort.

Adding/Installing Water Dispensers

There are simple and inexpensive ways for schools to increase access to drinking water. For example, in Berkeley, Calif., the Berkeley Unified School District provides tap

water in each school's eating area by placing a five-gallon water jug and cups in school cafeterias for students during lunch.[29]

Schools can also invest in more innovative methods for delivering drinking water to students. Some schools have hydration stations or water jets, similar to commercial water and ice dispensers used in restaurants, to deliver cold-filtered water into paper cups or reusable water bottles. A school in Oakland, Calif., has a hydration station.[30] Public schools in New York City have installed water jets.[31] These units require an initial, low-cost capital investment and minimal ongoing maintenance costs.

Funding School-Based Water Programs

The USDA does not consider potable water as part of the NSLP reimbursable meal, and there is no separate funding available for it. However, necessary and reasonable costs associated with providing drinking water, such as pitchers and paper cups, are allowable expenses that food services can charge to its nonprofit food services account (which holds revenue from selling meals and a la carte items; the funds can be used to operate and improve school food service).[32] For more information on what the USDA considers an allowable cost, see the USDA memo "Water Availability During National School Lunch Program Meal Services," online at www.fns.usda.gov/cnd/Governance/Legislation/CNR_schoolprograms.htm.

Schools also can obtain funding from local government agencies to improve drinking water availability. New York City public schools received financial assistance from the city's departments of education (DOE) and health (NYCDOH) to install the water jets in their cafeterias.[33] Each unit cost under $1,500, and additional expenses included labor, maintenance, paper cups, and a recycle bin.

Parents and community advocates can also work with schools and local governments to raise awareness and funds to improve drinking water access for students. A parent in Oakland, Calif., obtained funding from the PTA and matching funds from the city council to pay for a hydration station at one school.[34] (Installing the hydration station and connecting the unit to a water source required not only financial assistance but also cooperation among the PTA, school principal, and school district.) Oakland city high schools have also used food services funds to provide free bottled water as part of the school meal.[35]

One school district in California purchased reusable water bottles for students with funding from the California Nutrition Network, a collective of local, state, and national partners working to promote increased fruit and vegetable consumption and physical activity among low-income communities.[36]

Creating Public/Private Partnerships

Schools can partner with industry to reduce the expenses associated with increasing students' access to drinking water. A pilot program at the Los Angeles Unified School District brought a five-gallon water dispenser to a school cafeteria,[37] and during lunch students had access to filtered, chilled tap water and paper cups. Students and staff also received reusable water bottles to encourage water consumption throughout the school day. A well-known maker of reusable bottles donated the water bottles to the pilot program.

A Utah program offers another example of an industry partnership: a filter manufacturer provides and maintains filters for 18,000 drinking fountains in more than 750 public schools throughout the state at no cost to schools.[38]

Model Wellness Policy Language to Promote Drinking Water Availability in Schools

NPLAN developed the following model comprehensive wellness policy language establishing a water access policy to promote free, safe drinking water in schools as an important component of student health and wellness. The language is designed to be tailored to the needs of an individual school district or local educational agency. The local jurisdiction will need to determine where to add the language to its existing local school wellness policy, make other changes for consistency, and follow the appropriate procedures for amending the wellness policy. Language written in *italics* provides different options or explains the type of information that needs to be inserted in the blank spaces in the policy. "Comment" describes the provisions in more detail or provides additional information.

School districts or local educational agencies waiting to amend their wellness policies may decide, in the interim, to have the school board, superintendent, or principal adopt the following measures in a stand-alone policy.

Goal/Objective: Promote drinking water availability as an essential component of student wellness by improving access to free, safe drinking water in varied locations on school campuses and encouraging student consumption of water throughout the school day.

Policies/Actions[39]

- Promote the consumption of water as an essential nutrient that plays a role in overall health. Children need ongoing water supply to keep their bodies functioning normally and to avoid dehydration.

- Provide all students and employees with access to clean, safe, palatable drinking water free of charge at every District [*or jurisdiction*] facility in cafeteria and eating areas, classrooms, hallways, gymnasiums, play yards and athletic fields, and faculty lounges throughout the school day and at before- and after-school activities.

COMMENT: School administrators can establish guidelines for providing access to drinking water, requiring a minimum number of dispensers in venues such as the cafeteria, recreational facilities, and other common areas, and providing drinking cups, glasses, or reusable water bottles in student eating areas.

Food services staff may be reluctant to serve water in eating areas because they believe that federal school meal regulations only permit milk or juice to be offered during meal times. These federal rules are written in a way that emphasizes milk as a reimbursable meal component. Because drinking water (except for soda water) is not listed as a "food of minimal nutritional value," schools are not prohibited from offering it in food service areas during meal time.[40] Further, the new federal law reauthorizing the child nutrition programs requires schools to make free drinking water available in food service areas during mealtimes. School administration should address misperceptions food service staff may have about federal meal regulations through education and training.

- Promote drinking water as a substitute for sugar-sweetened beverages (SSBs), such as fruit/juice drinks with added sugar, sodas, sports drinks, and flavored milks by eliminating the sale and advertising of competitive food and beverages that do not meet nutrition standards specified by the District [*or jurisdiction*].

COMMENT: The U.S. Department of Agriculture (USDA) is authorized by the Healthy, Hunger-Free Kids Act of 2010 to issue healthy nutrition standards for "competitive foods," foods and beverages that compete with lunches served under the USDA's National School Lunch Program. Schools will have to restrict the sale and availability of SSBs that do not meet the USDA competitive food minimum nutrition standards. Some states have already shown that strong standards can be a success. At least 35 states and Washington, D.C. have laws regulating the sale of competitive foods at schools. Several states specifically regulate which beverages may be sold in schools. *See* Trust for America's Health. *F as in Fat: How Obesity Threatens America's Future.* 2011, p. 44. Available at: www.healthyamericans.org.

- Allow students to bring drinking water from home and to take water into the classroom, provided that the water is in a capped container, such as a bottle, to prevent spills.

- Encourage all school administrators, teachers, and building staff to model drinking water consumption.

- Perform maintenance on all water fountains regularly [*or as scheduled*].

- Set and maintain hygiene standards for drinking fountains, water jugs, hydration stations, water jets, and other methods for delivering drinking water.

COMMENT: Districts can consult with their state education department to determine the agency responsible for providing and maintaining school facilities.

- Conduct periodic testing of all drinking water sources in each District [*or jurisdiction*] facility. Make the test results available in an easily accessible format (e.g., post on District website), and deliver letters to affected students and parents.

COMMENT: A wellness policy can also include that the testing procedures and standards are based on and meet or exceed the best advice of the U.S. Environmental Protection Agency (EPA) and the state and county health departments. The EPA has developed detailed guidance for schools and child care facilities on how to test drinking water, correct water quality problems when they exist, and communicate drinking water testing results and actions to communities.[41] For an example of a district testing procedure, see Seattle Public Schools policy H60.01 adopted December 1, 2004 (available at www.seattleschools.org/area/policies/h/index.dxml).

- Supply drinking water to students if the main water source (such as a drinking fountain) is shut off. Where appropriate and necessary, provide water coolers or other portable water dispensers with cups until permanent remediation measures are taken.

COMMENT: School staff may believe that their vending contracts with beverage companies to sell bottled water prohibit schools from serving free drinking water. School administrators should clarify whether the vending contract contains such restrictive language and modify the contract provision accordingly. *See* NPLAN's "Developing a Healthy Beverage Agreement," a fact sheet, and "Model Healthy Beverage Vending Agreement," available at www.nplan.org.

- Encourage school principals, booster clubs, Associated Student Body (ASB), and other groups to raise money in ways that do not take advantage of thirsty students, do not promote a particular brand, and do not encourage consumption of high-calorie, low nutrient products.

COMMENT: For more information about alternative ways to fundraise, see the Center for Science in the Public Interest (CSPI) report "Sweet Deals: School Fundraising Can Be Healthy and Profitable" available at http://cspinet.org/new/pdf/schoolfundraising.pdf.

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[22] Associated Press, supra note 16.

[23] Federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (P.L.108-265, 42 U.S.C. 1751).

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[26] WIC Reauthorization Act of 2004, supra note 22.

[27] USDA July 8, 2010 Memo SP 42-2011 "Child Nutrition Reauthorization 2010: Local School Wellness Policies".

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[31] Baronberg S, MPH, New York City Department of Health and Mental Hygiene, oral communication, March 2010; See also, Patel Al et al., supra note 26.

[32] 7 C.F.R. 210.2 and USDA Memo 28-2011: Water Availability During National School Lunch Program Meal Services (Revised 7/12/2011). Available at: www.fns.usda.gov/cnd/Governance/Legislation/CNR_schoolprograms.htm.

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[34] Patel AI et al., supra at 26.

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[40] 7 C.F.R. § 210.10 (2010) and 7 C.F.R. § 210.11 (2010).

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