

# 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><b>Final Rule (published 1/26/12)</b></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 (<b>Spring 2012</b>)</li> <li>Final Rule (Summer 2013)</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>	The reimbursement rate increase is effective the later of: 10/1/12 or publication of the implementing regulations for school meals.  (Procedures for certification must be in place when	<ul style="list-style-type: none"> <li><b>Interim</b> Rule (Spring 2012)</li> <li><b>Guidance materials</b> on State certification of schools (Spring 2012)</li> <li>Funding allocation memo for State agencies (<b>issued 12/29/11</b>)</li> </ul>

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		reimbursement becomes available.)  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 (Spring 2013)</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, <b>October 2011</b>)</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.  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>

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		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 (Fall 2012 + annually)</li> <li>• Final Rule (Winter 2013)</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 (Summer 2012)</li> <li>• Final Rule (Fall 2013)</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	<ul style="list-style-type: none"> <li>• Issue guidance/Request for Applications (issued 3/15/11, 2/9/12, and Winter 2013)</li> </ul>

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		additional States 7/1/13; 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.	<ul style="list-style-type: none"> <li>Notify selected States for 1<sup>st</sup> year of phase-in (Spring 2011 + annually through 2014)</li> <li>Proposed Rule (Fall 2012)</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 (released 9/2/11)</li> <li>Select States and LEAs for 2012 demo (States selected March 2012; LEAs will be identified in Spring 2012)</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 112)</li> <li>CACFP Area Eligibility (sec 121)</li> <li>Privacy Protection (sec 301)</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 program requirements (issued February 2011)</li> </ul>

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	<ul style="list-style-type: none"> <li>• Applicability of food safety program (sec 302)</li> <li>• SFSP Permanent Agreements (sec 321)</li> <li>• CACFP Permanent Agreements (sec 331)</li> </ul>		<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 (Spring 2012)</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 (Winter 2012)</li> <li>• Final Rule (Winter 2013)</li> </ul>
10	<b>Local Wellness Policies/School Nutrition Environment</b> <ul style="list-style-type: none"> <li>• Wellness policy requirements (sec 204)</li> </ul>		<ul style="list-style-type: none"> <li>• Implementation Memo (issued 7/8/11)</li> <li>• Develop plan with CDC and ED for</li> </ul>

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	<ul style="list-style-type: none"> <li>Information for the public on the school nutrition environment (sec 209)</li> </ul>		<ul style="list-style-type: none"> <li>technical assistance activities (completed September 2011)</li> <li>Coordinate with ED on information for the public on nutrition environment (ongoing)</li> <li>Proposed rule (Fall 2012)</li> <li>Final rule (Fall 2013)</li> </ul>
11	Professional Standards for School Food Service (sec 306)		<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 (Summer 2012)</li> <li>Proposed Rule (Fall 2012)</li> <li>Enter into contract for ongoing certification of local directors and personnel (2013)</li> <li>Final Rule (Fall 2013)</li> </ul>

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12	<b>Independent Review of Applications</b> (sec 304)		<ul style="list-style-type: none"> <li>• <del>Implementation Memo (Winter 2012)</del></li> <li>• Proposed rule (Spring 2012)</li> <li>• Final rule (Winter 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 (Summer 2012)</li> <li>• Final Rule (Spring 2013)</li> </ul>
14	<b>Program Evaluation</b> (sec 305)  <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>
	<b>Census Data/Socioeconomic Surveys</b> (sec 104(b))		<ul style="list-style-type: none"> <li>• Review Report from CN Stat and identify options for moving forward</li> </ul>

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			<p>(report expected <b>Spring 2012</b>)</p> <ul style="list-style-type: none"> <li>• Develop and issue socioeconomic survey parameters (<b>Spring 2012</b>)</li> <li>• Select schools for socioeconomic survey option (<b>Spring/Summer 2012</b>)</li> </ul>
	<b>CACFP At-Risk Afterschool Meals</b> (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>
	<b>Review of local policies on meal charges and provision of alternate meals</b> (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 (<b>Summer 2012</b>)</li> <li>• Convene workgroup (<b>Fall 2012</b>)</li> <li>• Draft report enters clearance (<b>Winter 2013</b>)</li> </ul>
	<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	<ul style="list-style-type: none"> <li>• Initial meeting with DHHS (held Winter 2011)</li> <li>• Develop technical assistance plan</li> </ul>

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		the child care wellness environment.	(Summer 2011) <ul style="list-style-type: none"> <li>Publish handbook (Spring 2012)</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 (December 2011)</li> <li>Final Report to Congress (June 2012)</li> <li>Develop and issue specs (ongoing)</li> </ul>
	<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 (Spring 2012)</li> <li>Award first-year grants (Fall 2012)</li> </ul>

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			(cycle repeats annually)
	<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 under development</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 Paperwork Reduction Meeting with State and Local representatives (Fall 2011)</li> <li>• Draft report to Congress enters clearance (Spring 2014)</li> </ul>
	<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>

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	<b>Equipment Assistance Technical Correction</b> (sec 443)		<ul style="list-style-type: none"><li>• Implementation Memo (issued December 2010)</li></ul>

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<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 (<b>December 2011</b>)</li> <li>Release Request for Applications for Demo (<b>issued 9/2/11</b>)</li> <li>Select States and LEAs for 2012 Demo (States selected <b>March 2012</b>; LEAs to be selected <b>Spring 2012</b>)</li> <li>Award Evaluation Contract (<b>Spring 2012</b>)</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 (<b>issued June 2011</b>)</li> <li>Award Evaluation Contract (<b>awarded September 2011</b>)</li> <li>Report enters clearance (Fall 2013)</li> </ul>
	<b>Childhood Hunger Research and Demonstration</b>	<ul style="list-style-type: none"> <li>Report to Congress by</li> </ul>	<ul style="list-style-type: none"> <li>Report to Congress on <b>Indian</b></li> </ul>

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	<p><b>Projects to End Childhood Hunger</b> (Sec. 141)</p>	<p>December 13, 2011 on Indian Reservations and hunger</p> <ul style="list-style-type: none"> <li>Report to Congress by December 31, 2013 and annually thereafter until completion of the projects</li> </ul>	<p>reservations and hunger (delivered and published January 2012)</p> <ul style="list-style-type: none"> <li>Establish workgroup with HHS, Labor, HUD (Summer 2012)</li> <li>Develop and publish RFA for demonstration projects (Fall 2012)</li> <li>Issue RFP for evaluation of projects (Fall 2012).</li> <li>Release Request for Proposals for Research (Winter 2013)</li> <li>Award demonstration projects and evaluation contract (Spring 2013)</li> <li>Annual report to Congress on demo projects (starting Fall 2013)</li> <li>Report enters clearance (Summer 2015)</li> </ul>
	<p><b>Study on nutrition and wellness in CACFP</b> (Sec. 223)</p>	<p>The Secretary must enter into a contract to conduct the study not less than 3 years after enactment</p>	<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> </ul>

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			<ul style="list-style-type: none"> <li>• Obtain expert input on research questions and design from IOM workshop (February 2012)</li> <li>• Issue RFP for evaluation of projects (Winter 2013)</li> <li>• Award evaluation contract (December 2013)</li> <li>• Report enters clearance (Fall 2015).</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>

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