

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

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 (January 2011, 90-day comment period ends April 2011)</li> <li>• Status Report to Congress (March 2011 + quarterly)</li> <li>• Proposed Rule comment analysis (Spring 2011)</li> <li>• Interim or Final Rule published (Winter 2012)</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 (by 12/13/11), 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 (March 2011 + quarterly)</li> <li>• Notice - Request for Information (Spring 2011)</li> <li>• Proposed Rule published (December 2011)</li> <li>• Final Rule published (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	<ul style="list-style-type: none"> <li>• Proposed Rule published (Spring 2012)</li> <li>• Implementation Memo on State certification of schools (Spring 2012)</li> <li>• Funding allocation memo for State agencies (Spring 2012)</li> </ul>

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		<p>must be in place when reimbursement becomes available.)</p> <p>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.</p>	<ul style="list-style-type: none"> <li>• Interim or Final Rule published (Spring 2013)</li> </ul>
4	<p><b>School Food Service Account Revenue</b></p> <ul style="list-style-type: none"> <li>• Paid Meal Pricing (sec 205)</li> <li>• Revenue from a la carte Foods (sec 206 )</li> </ul>	<p>Effective School Year beginning 7/1/11.</p>	<ul style="list-style-type: none"> <li>• Nondiscretionary Interim Rule (Spring 2011)</li> <li>• Monitor impact on participation (ongoing)</li> </ul>
5	<p><b>Direct Certification Continuous Improvement Plans and State Bonuses</b> (sec 101)</p>	<p>Requirement for plans is based on direct certification results from SY 2011/2012, which is reported to FNS in April 2012.</p> <p>State bonus payments (\$4 million total per year) are available for performance in SY's beginning July 2011, 2012 and 2013.</p>	<ul style="list-style-type: none"> <li>• Implementation Memo with criteria for State bonuses and use of funds (Spring 2011)</li> <li>• Implementation Memo on threshold requirements and continuous improvement plans (Spring 2011)</li> <li>• Proposed Rule published (Fall 2011)</li> <li>• Issue bonus awards to States (no later than September 2012, 2013 and 2014)</li> </ul>

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			<ul style="list-style-type: none"> <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 published (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 IOM Report on CACFP Meal Patterns (published 11/4/10)</li> <li>• Proposed Rule published (no later than June 2012)</li> <li>• Final Rule published (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 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>• Issue guidance/Request for Applications (3/13/11 + annually through 2013)</li> <li>• Notify selected States for 1<sup>st</sup> year of phase-in (Spring 2011 + annually through 2014)</li> <li>• Proposed Rule published (Spring 2012)</li> <li>• Interim or Final Rule published (no later than December 2013)</li> </ul>

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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 (Spring 2011)</li> <li>• Select LEAs for 2012 demo (Fall 2011)</li> </ul>
<b>SNAP</b>			
<b>1</b>	SNAP Ed Provision (sec 241)	October 1, 2010	<ul style="list-style-type: none"> <li>• Implementation Memo (issued January 2011)</li> <li>• Federal Register publication describing requirements to receive a grant under this provision (January 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> <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>• Implementation Memo for each provision (December 2010 through Spring 2011)</li> <li>• Issue revised SFSP Handbooks to reflect new program requirements (Completed February 2011)</li> <li>• Update prototype free and reduced price applications (Spring 2011)</li> <li>• Update School Meal Eligibility Guidance (Spring 2011)</li> </ul>

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			<ul style="list-style-type: none"> <li>• Notify stakeholders of change needed to computer systems due to change in SSN collection (Winter 2011)</li> <li>• Update food safety guidance to reflect meal service outside of the cafeteria (Summer 2011)</li> <li>• Final rule (Fall 2011)</li> </ul>
<b>9</b>	<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 (December 2010 through Spring 2011)</li> <li>• Proposed Rule (Fall 2011)</li> <li>• Final Rule (Fall 2012)</li> </ul>
<b>10</b>	<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 (Spring 2011)</li> <li>• Develop plan with CDC and ED for technical assistance activities (Spring 2011)</li> <li>• Coordinate with ED on information for the public on nutrition environment (ongoing)</li> <li>• Proposed rule (Fall 2011)</li> </ul>

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			<ul style="list-style-type: none"> <li>• Final rule (Fall 2012)</li> </ul>
<b>11</b>	<b>Professional Standards for School Food Service</b> (sec 306)		<ul style="list-style-type: none"> <li>• Establish action plan and form committee to recommend appropriate standards (Spring 2011)</li> <li>• Enter into contract for development of training modules, as defined by committee (Fall 2011)</li> <li>• Proposed Rule (Fall 2012)</li> <li>• Enter into contract for ongoing certification of local directors and personnel (2012)</li> <li>• Final Rule (Fall 2013)</li> </ul>
<b>12</b>	<b>Independent Review of Applications</b> (sec 304)		<ul style="list-style-type: none"> <li>• Implementation Memo (Winter 2012)</li> <li>• Proposed rule (Winter 2012)</li> <li>• Final rule (Winter 2013)</li> </ul>
<b>13</b>	<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 2012)</li> <li>• Final Rule (Spring 2013)</li> </ul>

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<b>14</b>	<b>Program Evaluation</b> (sec 305) <b>Full Use of Federal Funds</b> (sec 361)		<ul style="list-style-type: none"> <li>• Implementation Memos (Winter 2011)</li> <li>• Final Rule (Summer 2011)</li> </ul>
	<b>Direct Certification: Use of Letter Method</b> (sec 101)		<ul style="list-style-type: none"> <li>• Implementation memo (issued January 2011)</li> <li>• Include in existing interim rule on direct certification currently in clearance (Spring 2011)</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 (report expected Fall 2011)</li> <li>• Develop and issue socioeconomic survey parameters (Fall 2011)</li> <li>• Select schools for socioeconomic survey option (Spring 2012)</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 12/10)</li> <li>• Publish handbook on afterschool meals (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 (Fall 2011)</li> <li>• Convene workgroup (Winter 2012)</li> </ul>

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			<ul style="list-style-type: none"> <li>• Draft report enters clearance (Fall 2012)</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 the child care wellness environment.	<ul style="list-style-type: none"> <li>• Hold initial meeting with DHHS (Winter 2011)</li> <li>• Develop technical assistance plan (Summer 2011)</li> <li>• Publish handbook (January 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 SN Operations Study (data expected Fall 2011)</li> <li>• Develop and issue specs (ongoing)</li> <li>• Report to Congress (December 2011)</li> </ul>
	<b>Farm to School Grants</b> (sec 243)	Funding for grants of \$5 million per year becomes	<ul style="list-style-type: none"> <li>• Release Request for Applications for first year of grants (Winter 2012)</li> </ul>

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		available beginning October 1, 2012.	<ul style="list-style-type: none"> <li>• Award first-year grants (Fall 2012)</li> </ul> (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 (June 2011)</li> <li>• Award evaluation contract (Summer 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>• Hold initial stakeholder discussion (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 January 2011)</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>
<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 (Spring 2011)</li> <li>• Release Request for Applications for Demo (Spring 2011)</li> <li>• Select LEAs for 2012 Demo (Fall 2011)</li> <li>• Award Evaluation Contract (Winter 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 (Spring 2011)</li> <li>• Award Evaluation Contract (Fall 2011)</li> <li>• Report enters clearance (Fall 2013)</li> </ul>

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	<b>Childhood Hunger Research and Demonstration Projects to End Childhood Hunger (Sec. 141)</b>	<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>• Establish workgroup with HHS, Labor, HUD (Fall 2011).</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 (Fall 2012)</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>
	<b>Study on nutrition and wellness in CACFP (Sec. 223)</b>	The Secretary must enter into a contract to conduct the study within 3 years of 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>• Issue RFP for evaluation of projects (Fall 2012)</li> <li>• Award evaluation contract (nlt December 2013)</li> </ul>

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			<ul style="list-style-type: none"> <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>Draft report to Congress enters clearance (Fall 2011)</li> </ul>
<b>WIC</b>			
1	<b>Nondiscretionary WIC Provisions (sec. 131, 231, 305, 351, 352, 361)</b> <ul style="list-style-type: none"> <li>WIC certification periods, providing WIC State agencies the option to certify participant children for up to one year.</li> <li>Data collection, requiring annual compilation and publication of the number of fully and partially breast-fed infants at the State and local levels.</li> <li>Breastfeeding Promotion and Support, expanding nutrition education references to explicitly include breastfeeding promotion and support.</li> <li>Program evaluation, requiring State and local cooperation in USDA studies.</li> <li>Sharing materials, permitting WIC State agencies to allow local agencies/clinics to share nutrition education materials developed by the WIC Program with the Child and Adult Care Food Programs at no cost, through written agreements.</li> <li>Program management, requiring WIC rebate payments to be recorded in the month received and establishing new bid solicitation requirements</li> </ul>		<ul style="list-style-type: none"> <li>Implementation Memo ( February 2011)</li> <li>Final Rule (Summer 2011)</li> <li>Provide State agencies with Excel chart to use for data collection (Fall 2011)</li> </ul>

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	<p>when seeking rebates for infant formula and other foods.</p> <ul style="list-style-type: none"> <li>• Use of Federal funds, requiring inclusion of a provision in the Federal/State agreement supporting full use of Federal funds, and excluding such funds from State budget restrictions or limitations including hiring freezes, work furloughs, and travel restrictions.</li> </ul>		
2	<p><b>WIC EBT Provisions (sec. 352)</b></p> <ul style="list-style-type: none"> <li>• Sets forth the definition of EBT.</li> <li>• Requires all WIC State agencies to implement EBT statewide by October 1, 2020; outlines allowable circumstances for exemption to mandate.</li> <li>• Requires State agencies to submit annual status reports demonstrating their progress toward statewide EBT implementation.</li> <li>• Provides technical changes to WIC EBT requirements, including the establishment of national technical standards and operating rules, minimum lane coverage requirements and limitations on the imposition of costs on vendors.</li> <li>• Requires that EBT technical standards and operating rules be adhered to by State agencies.</li> <li>• Requires all State agencies carrying out EBT to use the national universal product code database; funds database and requires completion by FNS in 2 years.</li> </ul>		<ul style="list-style-type: none"> <li>• Implementation Memo (February 2011)</li> <li>• Proposed Rule (Summer 2011)</li> <li>• Final Rule (TBD)</li> </ul>
	<b>Support for breastfeeding in WIC Recognition</b>		<ul style="list-style-type: none"> <li>• Implementation Plan developed</li> </ul>

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	<p><b>Program (sec. 231)</b></p> <ul style="list-style-type: none"> <li>Requires a program to recognize exemplary breastfeeding practices at local agencies or clinics.</li> <li>Authorizes the expenditure from appropriated funds, such sums as necessary.</li> </ul>		<p>(Winter 2011)</p> <ul style="list-style-type: none"> <li>RFI published (Spring 2011)</li> <li>Comment Period (Spring 2011)</li> </ul>
	<p><b>Performance Bonuses (sec. 231)</b></p> <ul style="list-style-type: none"> <li>Provides performance bonuses to not more than 15 State agencies with highest and most improved breast feeding rates. USDA is directed to provide the first bonuses not later than 1 year after enactment.</li> <li>Increases the authorization and funding for breastfeeding peer counseling program from \$20 million to \$90 million, of which not more than \$10 million provided in excess of \$50 million, is for performance bonuses.</li> </ul>		<ul style="list-style-type: none"> <li>Establish award criteria and application process (Winter 2011)</li> <li>First Awards required (Subject to Appropriation) (Winter 2011)</li> </ul>
	<p><b>Review of available supplemental foods (sec. 232)</b></p> <ul style="list-style-type: none"> <li>Requires WIC food package review every 10 years</li> </ul>		<ul style="list-style-type: none"> <li>Work with ORA</li> </ul>
	<p><b>WIC program management (sec. 352)</b></p> <ul style="list-style-type: none"> <li>Increases authorization of WIC research funding from \$5 million to \$15m</li> </ul>		<ul style="list-style-type: none"> <li>Work with ORA</li> </ul>
	<p><b>Special supplemental nutrition program for women, infants, and children (sec. 423)</b></p> <ul style="list-style-type: none"> <li>Extends the WIC Program through 2015</li> </ul>		<ul style="list-style-type: none"> <li>Letter to Commissioner and letter to State Directors (December 2010)</li> </ul>
	<p><b>Farmers market nutrition program (sec. 424)</b></p> <ul style="list-style-type: none"> <li>Extends the WIC Farmers' Market Nutrition Program through 2015</li> </ul>		<ul style="list-style-type: none"> <li>Letter to State Directors (February 2011)</li> </ul>

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