



Memo Code: SP 04-2006

November 29, 2005

**United States  
Department of  
Agriculture**

Food and  
Nutrition  
Service

3101 Park  
Center Drive  
Alexandria, VA  
22302-1500

Dear State Director

In Section 204 of the Child Nutrition and WIC Reauthorization Act (P.L. 108-265), each local educational agency (LEA) participating in a program authorized by the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966 is required to establish a local wellness policy for schools under the LEA, not later than the first day of the school year beginning after June 30, 2006.

The State agency (SA) has a responsibility to ensure that each LEA has been notified of its responsibility to establish a local wellness policy. Oversight to determine compliance can be accomplished through the regular Coordinated Review Efforts, School Meals Initiative review or any other type of on-site visit. In the case that an LEA does not have a wellness policy in place when it is reviewed, the SA should require the LEA to take corrective action. The SA has no obligation, however, to review and evaluate the content of a local wellness policy since the policy is a local decision.

The SA is strongly encouraged to provide technical assistance and training to support the LEA's development and implementation of the local wellness plan.

Sincerely,

***Original Signed***

STANLEY C. GARNETT  
Director  
Child Nutrition Division