



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**APR 07 2011**

Dear Tribal Leader:

The Bureau of Indian Education (BIE) invites you and/or a staff member to provide comments on the draft Indian Affairs Manual (IAM), BIE Health and Wellness Policy for K-12 schools. The goal of the policy is to set a minimum uniform standard for schools to create a healthier school environment. A copy of the draft policy is available at: <http://www.bia.gov/WhoWeAre/AS-IA/Consultation/index.htm>.

The policy is 13 pages long and does require some explanation. Enclosed is a supplemental document to summarize the policy. The supplement provides background information on the intent of the policy, scope, and covers logistical questions regarding the implementation of the policy. It also presents some specific questions on which we would like your input.

## Instructions for Commenting

### *In-Person*

You can provide comments in person by registering and participating in one or more of the scheduled online consultation sessions. The sessions and registration links are:

### **Thursday, May 12, 2011 from 1 PM to 4 PM (Eastern Daylight Time)**

<https://dcma100.webex.com/dcma100/k2/j.php?ED=151719187&UID=1150938797&RT=MiM2&FM=1>

### **Thursday, May 19, 2011 from 1 PM to 4 PM (Eastern Daylight Time)**

<https://dcma100.webex.com/dcma100/k2/j.php?ED=151719192&UID=1150938957&RT=MiM2&FM=1>

### **Thursday, May 26, 2011 from 1 PM to 4 PM (Eastern Daylight Time)**

<https://dcma100.webex.com/dcma100/k2/j.php?ED=151719232&UID=1150939012&RT=MiM2&FM=1>

### *Written*

You can provide written comments by mail to: Ms. Brandi Sweet, Program Analyst, Department of the Interior, Bureau of Indian Education, 1849 C Street, NW MS-3609-MIB, Washington, D.C. 20240, or by email at [consultation@bie.edu](mailto:consultation@bie.edu).

All comments should be sent no later than 10:00 p.m. EST, May 26, 2011.

Sincerely,

Larry Echo Hawk  
Assistant Secretary – Indian Affairs

Enclosure

Purpose: Tribal Consultation Supplement to Policy

Policy Title: Bureau of Indian Education Health and Wellness Policy for K-12 Schools

Policy Type: Indian Affairs Manual

## Part One-Background

### Why is the Bureau of Indian Education (BIE) developing the policy?

#### *Standardized Policy*

The BIE is making an effort to upgrade and standardize all policies pertaining to BIE operated schools.

#### *Childhood Obesity*

Childhood obesity has been named a national health crisis in America. American Indian and Alaska Native children have been identified as being particularly susceptible to the disease. In 2010, President Barack Obama's Childhood Obesity Task Force noted in a report to the President that obesity is more than two times as common among four year old American Indian and Alaska Native children (31 percent) than among white (16 percent) or Asian (13 percent) children. This rate is higher than any other racial or ethnic group studied. Both the President and the First Lady have taken a proactive approach to addressing obesity in America. In November of 2010, the First Lady addressed Indian Country with the following message, "And so I'm asking you to start a conversation about childhood obesity in your community. Sometimes all it takes is someone to start asking questions. How can we get healthier foods in our schools? Are our playgrounds safe enough? Can we start a flag football or a soccer league? Where can we break ground for a community garden to grow foods that are both healthy and traditional?"

The BIE Health and Wellness policy is just one implementation step among many that the BIE is taking to develop a unified approach to address the disparity of obesity among American Indian and Alaska Native children in our schools. The BIE hopes to transform its school environment to one where every child has access to healthy and nutrient rich foods and beverages, nutrition and health education, and a means to support physical activity in their life each day.

#### *Academic Link*

Research has shown that nutrition is important for cognitive and brain development; therefore, making healthy food choices is vital to a student's academic performance. Nutrients provide the energy needed to complete simple and complex tasks. Even a moderate lack of nutrients can have lasting effects on children's cognitive development and school performance, based on the 1994 Nutrition-Cognition Initiative (Center on Hunger, Poverty and Nutrition).

#### *Child Nutrition Act Reauthorization*

On December 13, 2010, President Obama signed the Healthy, Hunger-Free Kids Act, Public Law 111-296, which reauthorizes the Child Nutrition Act. The Act is reauthorized once every five years.

The Healthy, Hunger-Free Kids Act provides the health-promoting school food policy, which includes:

- Increasing the reimbursements that schools receive by six cents per meal;
- Setting improved common-sense nutrition standards for school meals;
- Bringing policies that help schools send consistent messages about healthy eating throughout the school – (including vending machines, school stores and more);



- Simplifying the process that children who are eligible for free meals go through to receive those meals;
- Piloting expansion of farm-to-school programs as well as organic foods; and
- Requiring the development of school wellness policies.

#### *U.S. Department of Agriculture (USDA) School Meals Program Requirement*

Each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are required to establish a local school wellness policy.

The legislation places the responsibility of developing a wellness policy at the local level so the individual needs of each district can be addressed. According to the requirements for the Local Wellness Policy, school districts must set goals for nutrition education, physical activities, campus food provisions, and other school-based activities designed to promote student wellness. Additionally, districts are required to involve a broad group of individuals in policy development and to have a plan for measuring policy implementation.

BIE schools operate differently than other schools in the United States. This national policy provides a standard framework for local BIE schools to develop local level wellness policies and meet the wellness policy requirements for USDA School Meals.

#### *Leverage and Maximize Resources*

BIE operated schools currently use ISEP funds to cover meal costs upfront and receive reimbursement from USDA food programs (if they are participating). Some BIE schools providing meals and snacks may not be participating in the reimbursement program. By participating, schools may be able to leverage and save funds to reprogram in other crucial areas critical to the academic success of American Indian and Alaska Native children.

#### *Preserve Culture and Traditions of Students*

Food and physical activity are central parts of our history as American Indian and Alaska Native peoples. The preservation of traditional culture, language, and foods is important to the wellness of the children that we serve. We want our food policy to be as culturally and traditionally inclusive, while still respecting the individual and unique differences between the vast numbers of tribes represented within our student body.

#### **What schools will be required to follow the policy?**

The policy will be required for all BIE operated schools. BIE operated schools are schools that are operated by the Federal Government. Input from BIE operated schools will be solicited prior to tribal consultation.

#### **Will BIE funded contract or grant schools be required to follow the policy?**

Tribal schools that are operated under Public Law 93-638 contracts or Public Law 100-297 grants will not be required to follow the policy. However, the policy will be available to contract and grant schools to use as a guide in the development of their own local policy. Input from tribal contract and grant schools will help to ensure that the policy is a useful guidance tool throughout the BIE school system.

#### **Will there be additional funds available so that schools can hire additional staff, develop and implement new programs, and meet the requirements of the policy?**

While no additional funds will be appropriated to schools to implement the policy, schools may find that once they access the programs required in the policy (example: USDA food programs); supplemental funding resources may be available, elsewhere.

**How long will the policy be in effect?**

All Indian Affairs Manual (IAM) policies are considered permanent policies. IAM policies do not have a term limit. The policy will be in effect until it is either discarded or changed by the BIE administration. Final regulations from the Child Nutrition Act Reauthorization have not been released. The policy may undergo minor changes once the regulations are finalized.

**How were the food and physical activity standards determined?**

The standards were determined using guidelines for school meals established by the Child Nutrition Act, USDA, Healthier U.S. Schools, and the Alliance for a Healthier Generation. Once drafted, the standards were reviewed by USDA, the Centers for Disease Control and Prevention (CDC), and the Department of Health and Human Services Indian Health Service (IHS) for accuracy and relevancy to Indian Country.

**How will the BIE monitor the implementation of the policy?**

The monitoring plan is outlined in the policy under Section 1.5 Roles and Responsibilities. The BIE Deputy Director, Associate Deputy Directors (ADD), and Education Line Officers (ELO) will work together to ensure that monitoring and compliance are in place.

**Will schools have a grace period to implement the policy?**

The schools will be given one year to set up the basic infrastructure of the policy (e.g. wellness council) and as indicated in the policy, some of the food sections will have a two to ten year phase out to insure that the changes are successful.

## Part Two-Questions for Participants

- 1) The goal of the BIE is to transform the school environment. Do you think the language in this policy will help BIE achieve this goal?
- 2) Do you have requests for language amendments to any of the policy sections?
- 3) Are there policy sections in the area of Health and Wellness that are missing and need to be developed?
- 4) Do you object to any of the policy sections contained in the policy?
- 5) If your school is a Public Law 93-638 contract or Public Law 100-297 grant school, would you use this policy at your school or use it as a model to frame your own local wellness policy? Why or why not?
- 6) Based on the language in the policy, can you identify any specific areas where any of the policy sections may not be met due to conflicting processes, authorities, or other resources?