



**United States
Department of
Agriculture**

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
22302-1500

DATE: April 12, 2011

MEMO CODE: SP 28- 2011

SUBJECT: Child Nutrition Reauthorization 2010: Water Availability During National School Lunch Program Meal Service

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, establishes a requirement for making water available to children in the National School Lunch Program (NSLP). The purpose of this memorandum is to provide guidance on the implementation of this provision.

Section 203 of the Act amends section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. (1758(a)) by requiring schools participating in the NSLP to make potable water available to children at no charge in the place where lunch meals are served during the meal service. There are a variety of ways that schools can implement this requirement. For example, schools can offer water pitchers and cups on lunch tables, a water fountain, or a faucet that allows students to fill their own bottles or cups with drinking water. Whatever solution is chosen, the water must be available without restriction in the location where meals are served. Schools should be working toward developing a reasonable method to implement this requirement.

While potable water is required to be made available to students, it is not considered part of the reimbursable meal and students are not required to take water. There is no separate funding available for this provision and reimbursement may not be claimed. However, reasonable costs associated with providing potable water would be an allowable cost to the non-profit food service account.

We understand that some food service areas and/or procedures may require significant changes to properly incorporate this provision. We also recognize the range of complexities that may be involved in a school's ability to implement this provision. Therefore, we encourage schools to comply with this requirement as soon as possible, but not later than the beginning of School Year 2011-12.

Regional Directors
State Directors
Page 2

The Food and Nutrition Service (FNS) plans to issue a proposed rule regarding water availability in conjunction with the proposed nutrition standards for all foods sold in schools. FNS will issue separate guidance to implement a similar provision in the Child and Adult Care Food Program.

State agencies should direct any questions concerning this guidance to the appropriate FNS Regional Office. Regional Offices with questions should contact the Child Nutrition Division.

Original Signed

Cynthia Long
Director
Child Nutrition Division