



# COMMONWEALTH of VIRGINIA

Patricia I. Wright, Ed.D.  
Superintendent of Public Instruction

DEPARTMENT OF EDUCATION  
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February 11, 2011

Ms. Lee Campbell, Executive Director  
Virginia Automatic Merchandising Association  
2501 Aerial Center Parkway  
Suite 103  
Morrisville, North Carolina 27560

Dear Ms. Campbell:

The 2010 General Assembly passed legislation (SB414) requiring the Virginia Board of Education (Board) to promulgate regulations setting nutritional standards for competitive foods sold to students during regular schools hours. This legislation specifies that in promulgating this regulation, the Board shall adopt either the Alliance for A Healthier Generation's *Competitive Foods Guidelines* or the Institute of Medicine's *Recommended Standards for Competitive Foods in Schools* as the statewide nutrition standards. A copy of the legislation is enclosed for your review. A Notice of Intended Regulatory Action (NOIRA) was approved by the Board on September 23, 2010, and published on the Virginia Town Hall Web site during November and December for public comment.

The legislation also required the Board to work with specific agencies and organizations to conduct research necessary for the development of the regulations. Consequently, the Virginia Department of Education (VDOE) will conduct meetings to obtain input on the development of these regulations. We would like to invite you or a designee to attend an initial meeting. The meeting will be held:

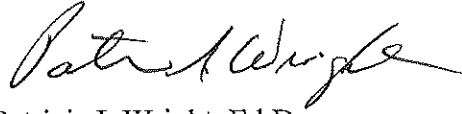
Date: March 24, 2011  
Time: 10 a.m. to noon  
Location: Virginia Department of Education - James Monroe Building  
101 North 14<sup>th</sup> Street, Richmond, Virginia, 23219  
Tyler Meeting Room, 21st floor

Please respond by March 1, 2011. Send the name and contact information for the representative from your agency or organization to: Catherine Digilio Grimes, director of school nutrition programs, via fax to (804) 786-3117 or e-mail at [schoolnutritionprograms@doe.virginia.gov](mailto:schoolnutritionprograms@doe.virginia.gov).

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We appreciate your assistance and look forward to the input your agency or organization will provide in this endeavor.

Sincerely,



Patricia I. Wright, Ed.D.  
Superintendent of Public Instruction

PIW/CDG/idl

Enclosure: Acts of Assembly, Chapter 718

- c: Karen Remley, Commissioner, Virginia Department of Health  
Cathy Alexander, President, School Nutrition Association of Virginia  
Jeremy Beauchamp, Executive Vice President, American Heart Association  
Patti Jackson, Area Executive, American Cancer Society, South Atlantic Division  
Jane Davis, Executive Director, American Academy of Pediatrics, VA Chapter  
Jeff Smith, Executive Director, Virginia Wholesalers and Distributors Association

# VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

## CHAPTER 718

*An Act to amend the Code of Virginia by adding a section numbered 22.1-207.4, relating to nutritional guidelines for competitive foods in public schools.*

[S 414]

Approved April 13, 2010

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 22.1-207.4 as follows:**

*§ 22.1-207.4. Nutritional guidelines for competitive foods.*

*A. The Board, in cooperation with the Department of Health, shall promulgate regulations setting nutritional guidelines for all competitive foods sold to students during regular school hours.*

*B. The Board, with assistance from the Department of Health, shall periodically review the nutritional guidelines for competitive foods to ensure that they remain current and science-based and shall also review the nutritional guidelines upon changes to federal law or regulations for competitive foods.*

*C. The regulations promulgated pursuant to this section shall include but not be limited to: calorie, fat, sugar, and sodium content.*

*For purposes of this section, "competitive food" means any food, excluding beverages, sold to students on school grounds during regular school hours that is not part of the school breakfast or school lunch program.*

**2. That in promulgating its regulations pursuant to this act, the Board of Education shall adopt either the Alliance for a Healthier Generation's Competitive Foods Guidelines or the Institute of Medicine's Recommended Standards for Competitive Foods in Schools as the initial statewide standard for competitive foods.**

**3. That the Board of Education shall work with the Department of Health, the School Nutrition Association of Virginia, the American Heart Association, the American Cancer Society, the American Academy of Pediatrics, Virginia Chapter, the Virginia Wholesalers and Distributors Association, the Virginia Automatic Merchandising Association, and other stakeholders to conduct any research necessary for the development of the regulations and dissemination of the guidelines to each local school division.**

**4. That the Board of Education shall report to the General Assembly on the status of the final regulations by December 1, 2011. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports.**

**5. That each local school board shall adopt the state guidelines as part of their existing local wellness policy to ensure compliance with the provisions of subsection A of § 22.1-207.4 of the Code of Virginia.**