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## Department of Public Instruction

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Dr. Wayne G. Sanstead  
State Superintendent

April 13, 2011

To: Authorized Representatives  
School Nutrition Programs

From: Deb Egeland, Assistant Director  
ND DPI Child Nutrition Programs

Re: **Water is Required to be Available Where School Lunch is Served**  
Section 205 Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296)

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.

The Act requires schools participating in the NSLP to make 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 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 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.

If you have any questions about this new requirement, please contact me at [degeland@nd.gov](mailto:degeland@nd.gov) or 1-888-338-3663 or 701-328-3718.