



# State of New Jersey


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To: School Business Administrators  
Charter School Leaders  
Food Service Directors  
Non-Public School Administrators

From: Rose Tricario, Director  
Division of Food and Nutrition 

Date: June 2, 2011

Subject: Required Water Availability in the School Lunch Program

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 following guidance has been issued by the USDA for purposes of meeting the requirements of this law.

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 spouted dispenser with water cups; 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. A water fountain in the hallway outside of the cafeteria is acceptable, as long as the students are given permission to access the fountain during meal service times. 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. 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, schools are encouraged to comply with this requirement as soon as possible, but not later than the beginning of School Year 2011-12.

Feel free to contact the child nutrition specialists with any questions or concerns at 609-984-0692.