



Monitoring for Success: Student Wellness Policy Implementation Monitoring **Guide**

2008 edition



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Student Wellness Policy Implementation Monitoring Guide

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Preface

There has been a growing movement at the federal, state and local levels to encourage schools to play a greater role in promoting healthy eating and physical activity in order to reduce childhood obesity. It is appropriate that schools be involved because of the amount of time that students spend at school, the educational purpose of schools to develop students’ knowledge and skills, and the strong evidence demonstrating the link between student health and academic achievement.

At the school district level, governing boards have unique opportunities to promote student wellness through each of their five major responsibilities: 1) setting direction for the community’s schools; 2) establishing an effective and efficient structure for the district including the adoption of policies, the budget and curriculum; 3) providing support to the superintendent and staff as they carry out the direction of the board; 4) ensuring accountability to the public; and 5) acting as community leaders and advocates on behalf of students.

This Guide and the accompanying Report focus on the board’s important responsibility to ensure accountability for the performance of the community’s schools. The board is ultimately accountable for the effectiveness of programs, policies, personnel and fiscal operations. Working with the superintendent, the board establishes systems and processes to monitor results, evaluates the school system’s progress toward accomplishing the district’s goals, and communicates that progress to the local community.

With regards to student wellness, the board’s responsibility to measure the implementation of its student wellness policy is mandated by federal law for any district participating in the National School Lunch or Breakfast Program or other federally funded child nutrition program. Thus, the district must develop a plan to determine whether each component of the locally developed policy is being implemented consistently across the district. In addition, the district may consider whether the implementation of the policy is actually producing the desired results. The findings of the district’s monitoring and evaluation process should be reported to the board and the public in a timely manner and should be used by the board to determine whether changes need to be made in the district’s policy or practices. In so doing, the monitoring and evaluation process becomes a useful tool to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.



Background

The federal Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265, 42 USC 1751 Note) includes a provision requiring all school districts participating in any federally funded child nutrition program to establish a locally developed school wellness policy by the beginning of the 2006-07 school year.

At minimum, each policy must address: 1) goals for nutrition education, physical activity and other school-based activities that are designed to promote student wellness in a manner that the district determines is appropriate; 2) nutritional guidelines selected by the district for all foods available on each campus during the school day, with the objectives of promoting students’

health and reducing childhood obesity; 3) assurance that the district’s guidelines for reimbursable school meals will not be less restrictive than federal regulations and guidance pursuant to federal code; and 4) a plan for measuring the implementation of the wellness policy, including the designation of one or more persons in the district or at each school charged with the operational responsibility that this policy is implemented.

It is recommended that a report on the implementation of the wellness policy be provided to the local board of education at least once every two years.

How to Use this Document

The purpose of this document is to provide guidance for completing each section of the corresponding Student Wellness Policy Implementation Monitoring Report in order to fulfill the monitoring and implementation requirements of the student wellness policy. The implementation components which this Guide and Report follow are based on the major requirements of the federal law as reflected in the California School Boards Association’s Sample Board Policy 5030 on Student Wellness. (Since the Implementation Monitoring Report uses the CSBA Sample Board Policy as an example, each school district will need to adapt this tool based on the student wellness policy adopted by its local board.)

The three sections or implementation components of the Guide and Report are: 1) Nutrition Education and Physical Activity Goals, 2) Nutrition of Foods and Beverages on School Campuses and 3) Guidelines for Reimbursable Meals. Each section provides a reference to related board policy and legal requirements as applicable, guidelines for implementing and reporting on each component and a recommended data source or form to collect the data where needed.

Additional sections may be added by districts to report on any additional policy components adopted by the local board. Districts that have adopted additional policy components are encouraged to submit them via e-mail to policy@csba.org so that CSBA can gain further insights into district practice.

The district’s administrative leadership and board should be involved in determining when the Implementation Monitoring Report will be submitted to the board for the purpose of evaluating policy and practice and making adjustments as needed. Based on the reporting deadline set by the district, district staff can establish timelines for collecting and analyzing the most recent year(s) of data available for each implementation component.

In addition, remember that federal law requires the district’s monitoring plan to include the designation of one or more persons in the district or at each school who will be responsible for ensuring that the wellness policy is implemented. Districts may find it beneficial to delineate the roles and responsibilities of the district and school site designees. If the district has a coordinated school health council, the council should be an integral part of monitoring the wellness policy and may assume many of the data collection and reporting responsibilities.

Appendix A of this Guide includes CSBA sample policies and administrative regulations to assist in the development and evaluation of the district’s wellness policy and related topics. Appendix B includes a worksheet to record the district and/or school site designees, a matrix of available data sources with recommended data collection timelines and all sample data collection forms. All sample policies and forms should be modified to reflect district or school practice.

Note: As the district completes the Implementation Monitoring Report, text or information needs to be inserted wherever brackets [] are present.

Throughout the policy implementation and monitoring process, it is recommended that districts refer to the *Student Wellness: Healthy Food and Physical Activity Policy Resource Guide* available through the CSBA Store at www.csba.org or at www.californiaprojectlean.org, as well as the resources listed in Section IV of this Guide.



I. Nutrition Education and Physical Activity Goals

Directions: This section of the Guide corresponds to Section I in the Implementation Monitoring Report (see pp. 9-10 of the Report). Each subsection below is a component of the Report. Read the “Guidelines” and “Data Sources” below for instruction on how to complete each component. Once the narrative or data are complete, insert the information into the corresponding section of the Report.

Description of Nutrition Education Program

Related Board Policy (BP 6142.8)

Health education should foster the knowledge, skills, and behaviors that students need in order to lead healthy, productive lives. The health education program should also teach personal responsibility for one’s lifelong health, respect for promotion of the health of others, the process of growth and development and informed use of health-related information, products and services. (See CSBA Sample Board Policy BP 6142.8 Comprehensive Health Education.)

Guidelines for the Implementation Monitoring Report

Briefly describe the district’s nutrition education curriculum for elementary, middle and/or high school. A comprehensive health education program should reflect the four unifying areas of health literacy emphasized in the California Department of Education’s Health Framework for California Public Schools (www.cde.ca.gov/ci/he/cf/).

Note that the State Board of Education is expected to adopt content standards for health education on or before March 2008. Once adopted, please review and incorporate the standards into the district’s health education policy and the Implementation Monitoring Report.

Data Source

Develop a narrative based on district or school practice as directed in the guidelines above. Insert narrative into the “Description of Nutrition Education Program” section of the Implementation Monitoring Report.

For more information, please refer to “Section II. Providing a Comprehensive Program on Nutrition and Physical Activity” in the *Student Wellness: Healthy Food and Physical Activity Policy Resource Guide* available through the CSBA Store at www.csba.org or at www.californiaprojectclean.org.

Description of Physical Education Program

Related Board Policy (BP 6142.7)

The physical education program should support the district’s coordinated student wellness program, provide an adequate amount of moderate to vigorous physical activity, build interest and proficiency in movement skills, and encourage students’

lifelong fitness through physical activity. (See CSBA Sample Board Policy BP 6142.7 Physical Education.)

Guidelines for the Implementation Monitoring Report

Provide a brief description of the district’s physical education curriculum for elementary, middle, and/or high school. A comprehensive physical education program should be based on the CDE’s model content standards for physical education in grades K-12 (www.cde.ca.gov/re/pn/fd/documents/pestandards.pdf) and physical education curriculum framework (www.cde.ca.gov/ci/pe/cf/).

Data Source

Develop a narrative based on district or school practice as directed in the guidelines above. Insert narrative into the “Description of Physical Education Program” section of the Implementation Monitoring Report.

Physical Education Minutes

Related Board Policy/Legal Requirement (AR 6142.7)

Education Code 51210, 51222 and 51223 require a minimum number of minutes of physical education instruction (200 minutes for grades 1-6 and 400 minutes for grades 7-12) every 10 school days. (See CSBA Sample Administrative Regulation AR 6142.7 Physical Education.)

Guidelines for the Implementation Monitoring Report

Provide a summary statement of the number of schools at each grade span (grades 1-6 and 7-12) that meet the minimum legal requirement for instructional minutes.

Data Source

The number of physical education minutes is collected during the Categorical Program Monitoring process. Review the findings from the last CPM conducted of the district and include a summary of those findings. If findings indicate the minimum minutes of physical education instruction were not met, indicate what actions will be taken to bring the school or district into compliance. If a CPM review has not been conducted recently, indicate the next scheduled visit in the report and include in a future report. Districts are encouraged to collect this information annually.

Physical Education Exemptions

Related Board Policy/Legal Requirement (BP 6142.7)

The superintendent or designee may grant temporary, two-year, permanent and other exemptions from physical education under circumstances specified in Education Code 51222, 51241, 51242 and 52316. (See CSBA Sample Board Policy BP 6142.7 Physical Education.)

Guidelines for the Implementation Monitoring Report

Provide a summary of the number of two-year and permanent exemptions from physical education that were granted during the year(s) specified in the Implementation Monitoring Report. The district may also wish to track the number of exemptions allowed pursuant to Education Code 51242 for students engaged in after-school interscholastic athletic programs. Note that most exemptions are applicable to the high school level only. The district wellness designee can collect the data from each school wellness designee using the Physical Education Exemptions Form in Appendix B of this Guide. Once all the forms are collected, the data can be summarized using table 1 of the Implementation Monitoring Report.

Data Source

Provided by school wellness designee to district wellness designee using the Physical Education Exemptions Form located in Appendix B.

Physical Fitness Activities Offered

Related Board Policy (BP 6142.7 and BP 5030)

The board shall approve the components of the physical education program. The district’s program shall provide a developmentally appropriate sequence of instruction that reflects the content areas of the state’s curriculum framework, including, at appropriate grade levels, the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives such as self-defense and fencing. Opportunities for physical activity also shall be provided through recess, school athletic programs, extracurricular programs, before- and after-school programs, and other structured and unstructured activities. (See CSBA Sample Board Policy BP 6142.7 Physical Education and BP 5030 Student Wellness.)

Guidelines for the Implementation Monitoring Report

Provide an overview of the physical fitness activities offered in the district. Include a description of any challenges or opportunities that may be present to enrich the physical fitness activities offered.

Data Source

Develop narrative based on district or school practice as directed in the guidelines above. Insert narrative into the “Physical Fitness Activities Offered” section of the Implementation Monitoring Report.

Note: For high schools offering interscholastic sports, the California Interscholastic Federation participation survey results can also be included. The CIF survey is conducted every two years. Each school submits the data directly to CIF. The district wellness designee may want to request a copy from each participating school prior to submission for inclusion in the Report.

Use of School Facilities Outside of School Hours

Related Board Policy (BP/AR 1330)

School facilities and open spaces at schools should be made available to students, staff and community members before, during and after the school day, on weekends, and during school vacation periods. School facilities and open spaces also should be made available to community agencies and organizations that offer physical activity and nutrition programs. (See “Guidance for the Development of California School Wellness Policy,” CDE, December 14, 2005, available at www.californiahealthykids.org/articles/guidance_for_wellness.pdf. Also see CSBA Sample Board Policy and Administrative Regulation BP/AR 1330 Use of School Facilities.)

Guidelines for the Implementation Monitoring Report

Provide a summary of the number and type of joint-use agreements for the use of school facilities. A Joint-Use Agreement Worksheet is located in Appendix B of this Guide to summarize the number and type of joint-use agreements. Schools are encouraged to develop joint-use agreements or memoranda of understanding with civic and community partners to implement formal agreements for the use of school facilities. Joint-use agreements should include clauses that provide for care and maintenance of the school facilities.

Data Source

The information can be collected from school site designees using the Joint-Use Agreement Worksheet located in Appendix B. The district designee can summarize for inclusion in the “Use of Facilities Outside of School Hours” section of the Implementation Monitoring Report.





Physical Performance Testing

Related Board Policy/Legal Requirement (BP/AR 6142.7)

Schools are required to administer the physical fitness test (**FITNESSGRAM**) in accordance with Education Code 60800. The physical fitness test is administered from February through May of each year to all students in grades 5, 7 and 9. (See CSBA Sample Board Policy and Administrative Regulation BP/AR 6142.7 Physical Education.)

Guidelines for the Implementation Monitoring Report

Provide **FITNESSGRAM** results for grades 5, 7, and 9 (as applicable). Report at least two years of **FITNESSGRAM** results to provide the local board with a comparison or measure of improvement from year to year. Results reported should indicate the extent to which students are meeting the Healthy Fitness Zone (HFZ) for each fitness area and achieving all six fitness standards.

Once data are obtained from one of the data sources indicated below, input the data into table 2 of the Implementation Monitoring Report. The data table is structured to report the percentage of students in the HFZ by grade level for the current and previous year and the percentage of students at each grade level achieving from 0 to 6 of the fitness standards.

Sample text and processing questions are also provided in the “Physical Performance Testing” section of the Implementation Monitoring Report to facilitate a summary analysis.

Data Source

Data can be obtained from one of three sources:

CDE Data Quest: FITNESSGRAM results are made available each December in a print or copy-and-paste ready format from <http://data1.cde.ca.gov/dataquest>.

Educational Data Systems (EDS): EDS, the state-designated test vendor, provides a district results file each January for the previous test year at www.eddataonline.com/fitness/2007 [or current year]. Data provided from this site are aggregate data files only.

Local Education Agency (LEA): Each district submits its physical fitness results to EDS every June. EDS then submits the data to the CDE. Therefore, the LEA Assessment or Technology Department may also be able to provide these data for input into the reporting table.

II. Nutrition of Foods and Beverages on School Campuses

Directions: This section of the Guide corresponds to Section II in the Implementation Monitoring Report (see pp. 11-12 of the Report). Each subsection below is a component of the Report. Read the “Guidelines” and “Data Sources” below for instruction on how to complete each component. Once the narrative or data are complete, insert the information into the corresponding section of the Report.

Nutritional Standards for Foods and Beverages

Related Board Policy/Legal Requirement (BP/AR 3550)

Any foods and beverages sold to students on campus outside of a federally reimbursable meals program must meet nutritional guidelines established by Education Code 49430-49431.7. (See CSBA Sample Board Policy and Administrative Regulation BP/AR 3550 Food Service/Child Nutrition Program.)

Guidelines for the Implementation Monitoring Report

Provide an assessment of whether schools are implementing and meeting the nutritional guidelines and summarize the results in the Implementation Monitoring Report.

It is recommended that the food service department should have sole authority to provide foods and beverages from the beginning of the school day until after the last lunch period to ensure food safety and to maximize the schools’ ability to serve healthy and appealing meals. The food service department should also have sole authority for the nutritious snack required in state and federally funded before- and after-school programs.

To implement state nutritional guidelines with fidelity, the district may want to consider centralizing the purchase of foods and beverages to ensure approved quality purchases by schools. District food service programs can also renegotiate existing food and beverage contracts or reissue Request for Proposals to incorporate the new guidelines for foods sold.

Once compliant items have been identified, generate an approved list. Schools can purchase directly from the approved foods and beverages list. It is also recommended to develop a procedure for allowing schools to submit requests to food services for verification and addition to the approved list.

In districts where food service contracts are school-based, district food services departments (or other designee) can monitor foods and beverages purchased by monitoring school purchase requests. Districts can also provide schools with an approved list of foods that the schools can provide directly to vendors, or the schools may provide the nutritional guidelines detailed in BP/AR 3550 in Appendix A.

Data Source

School purchase requests should be collected from each school wellness designee to monitor the control of foods and beverages purchased and sold on campus. Summarize and describe findings in the “Nutritional Standards for Foods and Beverages” section of the Implementation Monitoring Report.



School Cafeteria Eating Facilities and Food Preparation

Related Board Policy/Legal Requirement (BP/AR 3550)

The superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation. School cafeterias shall comply with the sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437 and obtain food safety inspections in accordance with federal and state law and county regulations. (See CSBA Sample Board Policy and Administrative Regulation BP/AR 3550 Food Service/Child Nutrition Program.)

Guidelines for the Implementation Monitoring Report

Determine the number of school cafeteria facilities that will be audited. Provide a summary of the number of audits conducted and how many of the audit objectives were met by each school or segment (elementary, middle or high schools).

Audits of the school cafeteria eating and preparation facility should be conducted at established intervals. A standard walk-through form should be used to collect findings at each school observed. A sample walk-through audit form is suggested below (see Data Source).

Compile data from all completed audit forms into the Audit Summary Worksheet. The bottom portion of the Audit Summary Worksheet can be copied and pasted into the Implementation Monitoring Report as a picture (highlight the table in Excel and copy; in MSWord select paste special and paste as a picture). Sample summary text and processing questions are also provided in the “School Cafeteria Eating Facilities and Food Preparation” section of the Report to facilitate a summary analysis.

Data Source

A suggested School Facilities for Food Preparation and Student Dining Audit Form and Summary Worksheet are included in Appendix B, and can be modified to reflect district practice. In addition, the district may incorporate the results of the most recent food safety inspection conducted by the county environmental health agency.



Other Food Sales

Related Board Policy/Legal Requirement (BP/AR 3554)

Districts participating in the National School Lunch and/or School Breakfast Program are mandated to establish rules and regulations to control the sale of food in competition with the lunch or breakfast program. In addition, all outside food sales (e.g., through vending machines, in student stores and on school premises by student and/or adult organizations) are subject to state law regarding nutritional standards, time and location of the sale, and other conditions. (See CSBA Sample Board Policy and Administrative Regulation BP/AR 3554 Other Food Sales.)

Guidelines for the Implementation Monitoring Report

Provide an assessment of whether foods and beverages sold through vending machines, in student stores and on school premises by student and/or adult organizations meet the required guidelines.

Periodically review all purchase requests from each venue. Ensure all item purchases are from the approved list of foods and beverages (for more information, see “Nutritional Standards for Foods and Beverages” above). Use the Other Food Sales Review Worksheet located in Appendix B to summarize the purchase requests reviewed for each school. A worksheet is provided in Appendix B for each non-food service venue (vending machine, student store and student/adult organization). Each worksheet calculates the total number of compliant schools based on the data entered in the “Compliant” column. Questions to facilitate a summary analysis of each worksheet are provided in the “Other Food Sales” section of the Report.

Data Source

Purchase requests from each non-food service venue from each school.

Contracts

Related Board Policy/Legal Requirement (BP 3312 and BP/AR 3554)

The district or a district school shall not enter into or renew a contract for the sale of foods or beverages that do not meet the nutritional standards specified in the Education Code unless the contract specifies that such sales will occur one-half hour or later after the end of the school day and/or off school premises. (See CSBA Sample Board Policy BP 3554 Contracts and BP/AR 3554 Other Food Sales.)

Guidelines for the Implementation Monitoring Report

Provide an assessment of whether the active contracts in the district for the sale of foods and beverages are compliant with state nutritional standards.

Identify all active school and/or district contract obligations and determine whether the contracts are compliant, when they expire, and which contracts will need to be renegotiated. A Contracts Summary Worksheet is located in Appendix B to compile information on all contractual obligations. Totals will automatically calculate for the food, beverage and compliant contract columns. Summarize and report findings in the “Contracts” section of the Report.

As the district reviews the contracts, consider if existing business partnerships or contracts require the district to advertise as a condition of receiving funds, products, materials or equipment. If so, what criteria should be established regarding the content of the advertisements aimed at students?

Data Source

Consult with the food services department on completing this section or, for school-based contracts, request each school wellness designee to complete the Contracts Summary Worksheet.

III. Guidelines for Reimbursable School Meals

Directions: This section of the Guide corresponds to Section III in the Implementation Monitoring Report (see p. 13 of the Report). Each subsection below is a component of the Report. Read the “Guidelines” and “Data Sources” below for instruction on how to complete each component. Once the narrative or data are complete, insert the information into the corresponding section of the Report.

School Meal Participation Rates

Related Board Policy/Legal Requirement (BP/AR 3553)

The district shall encourage all students to participate in school meal programs. The district’s plan for providing free and reduced priced meals shall ensure student participation is confidential and the program is available in a manner which does not overtly identify participants as being eligible for free and reduced price meals. (See CSBA Sample Board Policy and Administrative Regulation BP/AR 3553 Free and Reduced Price Meals.)

Guidelines for the Implementation Monitoring Report

Provide data on student participation in the National School Lunch and/or Breakfast Program, including the number and percentage of students participating in the free or reduced price meal program, by each school segment (elementary, middle and high schools). A summary table is provided in the Implementation Monitoring Report to record the data.

Data Source

Data can be obtained from one of three sources:

CDE CalWorks: School meal participation rates are available at www.cde.ca.gov/ds/sh/cw/filesafdc.asp. This page contains complete data files from the annual free and reduced price meal program data collection as well as data prior to 2004 for the CalWORKS (formerly known as AFDC) data collection. The data reported here are a result of the collection of data designed for use in the Title I program. As a result, data are limited to children ages 5-17 as of October of the year for which the data are collected.

CDE Data Quest: School meal participation rates are available at <http://data1.cde.ca.gov/dataquest>. When selecting the subject of the report, select “Create your own Report” under the “Other” option. After submitting, select the “Free and Reduced Price Meals” box under the “Socio-Economic Indicators” header. Data contained in this report are based on the number of students who are eligible for the program who have signed up to participate.

Local Education Agency: Each district submits its school meal participation data to the CDE directly. Therefore, the district’s Food Services Department may also be able to provide these data.

School Meal Nutrition Analysis

Related Board Policy/Legal Requirement (BP/AR 3550 and BP/AR 3553)

Foods and beverages provided through federally reimbursable school meals programs shall meet or exceed federal regulations and subsequent guidance. (See CSBA Sample Board Policy and Administrative Regulation BP/AR 3550 Food Service/Child Nutrition Program and BP/AR 3553 Free and Reduced Price Meals.)

Guidelines for the Implementation Monitoring Report

At least once every five years, the CDE’s Nutrition Services Division reviews one week of school district menus to determine if meals meet National School Lunch Program nutritional requirements. Report on the findings of the district’s last review. Sample text and questions for summary analysis are included in the “School Meal Nutrition Analysis” section of the Implementation Monitoring Report.

In other years, consider randomly selecting one week of school district menus for analysis by district staff.

Data Source

A summary of each district’s last review is available on the CDE’s Web site: www.cde.ca.gov/ds/sh/sn.





IV. Contacts and Resources

The following resources are available specifically to help districts implement the monitoring component of their student wellness policy and complete the required report to the local board.

Informational Resources

Student Wellness: Healthy Food and Physical Activity Policy Resource Guide. Revised April 2006. Available through the CSBA Store at www.csba.org or www.californiaprojectlean.org.

Policy in Action: A Guide to Implementing Your Local School Wellness Policy. Available at www.californiaprojectlean.org.

Policy Brief: *Nutrition Standards for Schools: Implications for Student Wellness.* Revised October 2007. CSBA. Governance and Policy Services. Available at www.csba.org/Services/Services/PolicyServices/PolicyAdvisoriesBriefs.aspx.

Policy Brief: *Physical Education and California Schools.* Revised October 2007. Available at www.csba.org/Services/Services/PolicyServices/PolicyAdvisoriesBriefs.aspx.

Guidance for the Development of California Wellness Policies. Available at www.californiahealthykids.org.

Technical Assistance

California School Boards Association
(916)371-4691
www.csba.org

Contacts

Peggy Agron
California Project LEAN
California Department of Health Services
(916) 445-4171
www.californiaprojectlean.org

Jan Lewis or Michael Danzik
Nutrition Services Division
California Department of Education
(916) 323-7185 or (916) 445-7386
www.cde.ca.gov/ls/nu

Diane Wilson-Graham
Professional Development & Curriculum Support
(Physical Education)
California Department of Education
(916) 319-0280
www.cde.ca.gov/ci/pe

Dairy Council of California Nutrition Education
1101 National Drive, Ste. B, Sacramento, CA 95834-1901
(916) 263-3560
www.dairycouncilofca.org



V. Appendix A—CSBA Sample Board Policies

Note: CSBA’s Sample Policies are updated continuously. Please contact CSBA’s Policy Services department to verify whether any changes have been made to the following policies.

CSBA Sample Board Policy

Philosophy-Goals-Objectives and Comprehensive Plans

BP 0200

Goals for the School District

The Governing Board shall adopt long-term goals for achieving the district’s overall vision for its schools as well as clear performance standards and benchmarks which can be used to determine if the district is meeting these goals. Goals shall be limited in number so as to be reasonably achievable within established timelines.

(cf. 0000—*Vision*)
(cf. 0100—*Philosophy*)
(cf. 0500—*Accountability*)
(cf. 6010—*Goals and Objectives*)
(cf. 9000—*Role of the Board*)

The Superintendent or designee may establish short-term, interim objectives and comprehensive plans to ensure adequate, regular progress toward the district’s long-term goals.

(cf. 0400—*Comprehensive Plans*)

Note: Districts are encouraged to replace the list of goals below with their own locally developed goals.

The district’s goals are to:

1. Maintain safe and orderly campuses which promote learning

(cf. 0450—*Comprehensive Safety Plan*)
(cf. 5144—*Discipline*)

2. Provide appropriate instruction to meet the varied academic and career goals of students by identifying and responding to individual student needs

(cf. 6000—*Concepts and Roles*)
(cf. 6030—*Integrated Academic and Vocational Instruction*)

3. Ensure that all students achieve academic proficiency in essential areas of skill and knowledge

(cf. 6011—*Academic Standards*)
(cf. 6146.1—*High School Graduation Requirements*)
(cf. 6146.5—*Elementary/Middle School Graduation Requirements*)

4. Provide for the specialized needs of identified groups of students

(cf. 6164.4—*Identification of Individuals for Special Education*)
(cf. 6164.6—*Identification and Education under Section 504*)
(cf. 6171—*Title I Programs*)



Goals for the School District (Continued)

- (cf. 6172—Gifted and Talented Student Program)

(cf. 6174—Education for English Language Learners)

(cf. 6175—Migrant Education Program)
5. Promote student health and nutrition in order to enhance readiness for learning
- (cf. 3550—Food Service/Child Nutrition Program)

(cf. 3553—Free and Reduced Price Meals)

(cf. 3554—Other Food Sales)

(cf. 6142.7—Physical Education)

(cf. 6142.8—Comprehensive Health Education)

(cf. 6145.2—Athletic Competition)
6. Develop each student’s self-respect, respect for others, appreciation for diversity and sense of personal responsibility
- (cf. 5137—Positive School Climate)

(cf. 6141.6—Multicultural Education)
7. Provide time and resources for collaboration, planning and professional development for all staff
- (cf. 4131—Staff Development)

(cf. 4231—Staff Development)

(cf. 4331—Staff Development)
8. Maintain fiscal integrity for the district
- (cf. 3100—Budget)

(cf. 3400—Management of District Assets/Accounts)

(cf. 3460—Financial Reports and Accountability)
9. Improve the organization, management and decision-making structure and capabilities of the district to better support the education of students
- (cf. 0420.5—School-Based Decision Making)

(cf. 2000—Concepts and Roles)
10. Employ technology in ways that enhance learning, teaching and noninstructional operations
- (cf. 0440—District Technology Plan)

(cf. 4040—Employee Use of Technology)

(cf. 6162.7—Use of Technology in Instruction)

(cf. 6163.4—Student Use of Technology)
11. Provide and maintain facilities to meet the needs of present and future students
- (cf. 7000—Concepts and Roles)

(cf. 7110—Facilities Master Plan)



Goals for the School District (Continued)

12. Maintain positive relations with parents/guardians and the community, emphasizing communication and inviting participation in the schools
- (cf. 1220—Citizen Advisory Committees)

(cf. 1240—Volunteer Assistance)

(cf. 1700—Relations between Private Industry and the Schools)

(cf. 6020—Parent Involvement)
13. Collaborate with other public agencies and private organizations to ensure that children’s physical, social and emotional needs are met
- (cf. 1020—Youth Services)

(cf. 1400—Relations between Other Governmental Agencies and the Schools)
14. Provide a system of shared accountability for student achievement with clear performance standards and consequences
- (cf. 0500—Accountability)

(cf. 0510—School Accountability Report Card)

(cf. 2140—Evaluation of the Superintendent)

(cf. 4115—Evaluation/Supervision)

(cf. 4215—Evaluation/Supervision)

(cf. 4315—Evaluation/Supervision)

(cf. 6162.5—Student Assessment)

(cf. 9400—Board Self-Evaluation)

Legal Reference

EDUCATION CODE
51002 Local development of programs based on stated philosophy and goals
51020 Definition of goal
51021 Definition of objective

Management Resources

CSBA PUBLICATIONS
Healthy Food Policy Resource Guide, 2003
Maximizing School Board Leadership: Vision, 1996

WEB SITES
CSBA: www.csba.org

Policy Reference UPDATE Service
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Contracts

Note: Education Code 17604 authorizes the Governing Board to delegate authority to enter into contracts to the Superintendent wherever the Board is invested with the power to contract. A contract made under this delegation is not valid until it is approved and/or ratified by the Board. The following paragraph may be revised to specify any desired limits to this delegation of authority.

Whenever state law invests the Governing Board with the power to enter into contracts on behalf of the district, the Board may, by a majority vote, delegate this power to the Superintendent or designee. To be valid or to constitute an enforceable obligation against the district, all contracts must be approved and/or ratified by the Board. (Education Code 17604)

(cf. 3300—Expenditures/Expending Authority)
(cf. 3314—Payment for Goods and Services)
(cf. 3400—Management of District Assets/Accounts)

Note: Pursuant to Public Contract Code 20104.50, the text or a summary of Public Contract Code 20104.50 must be included in all construction contracts. There are also other sections of law that must be included in construction contracts under certain circumstances. It is recommended that district legal counsel review construction contracts to ensure compliance with law.

All contracts between the district and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.

(cf. 2121- Superintendent’s Contract)
(cf. 4312.1—Contracts)
(cf. 9124—Attorney)

When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)

(cf. 0410—Nondiscrimination in District Programs and Activities)

The district shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)

Contracts for Non-Nutritious Foods or Beverages

Note: SB 12 (Ch. 235, Statutes of 2005) amended Education Code 49431, which specifies nutritional standards for foods that may be sold at elementary schools, and added Education Code 49431.2 to specify nutritional standards for middle, junior high, and high schools, effective July 1, 2007; see AR 3550—Food Service/Child Nutrition Program.

If the Board wishes to implement the standards prior to July 1, 2007, it should modify the following paragraph accordingly.



Contracts (Continued)

Effective July 1, 2007, the district or a district school shall not enter into or renew a contract for the sale of foods that do not meet the nutritional standards specified in Education Code 49431 or 49431.2 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises. (Education Code 49431, 49431.2)

(cf. 3554—Other Food Sales)

Note: Education Code 49431.5, as amended by SB 965 (Ch. 237, Statutes of 2005), contains beverage standards for all grade levels. Beverage standards for elementary, middle, and junior high schools are effective January 1, 2006. For high schools, the standards will be phased in so that 50 percent of beverages sold beginning July 1, 2007, and all beverages sold beginning July 1, 2009, meet these standards. Vending machines, student stores, and cafeterias in middle schools, junior high schools, and high schools will be able to sell beverages that do not meet these standards only if the sales occur later than one-half hour after the end of the school day or off school premises; see AR 3554—Other Food Sales. If the Board wishes to implement the standards at high schools prior to July 1, 2007, it may modify the following paragraph to specify the applicable date.

In accordance with the dates specified in law, the district or a district school shall not enter into or renew a contract for the sale of beverages that do not meet the nutritional standards in Education Code 49431.5 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises.

Note: Education Code 35182.5 mandates that the Board not enter into a contract that grants exclusive sales or advertising for carbonated beverages, non-nutritious beverages, or non-nutritious food unless it has adopted a policy, at a public hearing, ensuring that the district has internal controls in place to protect the integrity of public funds, that the funds raised will benefit public education, and that the contracts are entered into on a competitive basis. Contracts entered into by districts prior to January 1, 2004, remain in effect; however, these contracts may not be renewed if they conflict with Education Code 35182.5.

Before the district or a district school enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food as defined in law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)

Note: Education Code 35182.5 does not define the term “internal controls.” Items #1-2 below are based on suggested “internal controls” as recommended by the California Association of School Business Officials (CASBO), and should be modified to reflect the specific internal controls developed by the district.

The Superintendent or designee shall develop the district’s internal control procedures to protect the integrity of public funds. Such internal controls may include but not be limited to the following:

- 1. Control procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

(cf. 3100—Budget)
(cf. 3400—Management of District Assets/Accounts)
(cf. 3460—Financial Reports and Accountability)



Contracts (Continued)

2. Procedures to ensure that district personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

In addition, the contract may specify whether contractor logos are permitted on district facilities, including but not limited to scoreboards and other equipment. If such logos are permitted, the contractor shall present the equipment to the Board as a gift. The gift may be accepted by the Board in accordance with Board policy and administrative regulation.

(cf. 3290—Gifts, Grants and Bequest)

Note: Optional items #1-4 below are not required by law, but present additional factors for the Board to consider to help ensure that the funds raised benefit public education in accordance with Education Code 35182.5. The following list should be modified to reflect district practice.

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may involve parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.

(cf. 1220—Citizen Advisory Committees)

2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district’s vision and goals.

(cf. 0000—Vision)
(cf. 0100—Philosophy)
(cf. 0200—Goals for the School District)

3. The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee the number of food items or beverages sold within the district and the amount of money raised by the sales. The Superintendent or designee shall report these amounts to the Board on a regular basis.

4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fund-raising activities.

(cf. 1230—School-Connected Organizations)
(cf. 1321—Solicitation of Funds from and by Students)

Note: Education Code 35182.5 mandates that Board policy ensure that the contract is entered into on a competitive basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. Public Contract Code 20111 requires districts to seek competitive bids through advertisements for contracts for services exceeding an amount specified in law. For a detailed procedure for the bidding of contracts, see AR 3311—Bids.

The contract shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

(cf. 3311—Bids)



Contracts (Continued)

Note: Pursuant to Education Code 35182.5, the Board may satisfy the public hearing requirement described in the following paragraph by either (1) a review of the contract at a public hearing by a Child Nutrition and Physical Activity Advisory Committee established pursuant to Education Code 49433 that has contract review authority for the sale of food and beverages, or (2) an annual public hearing to review and discuss existing and potential contracts for the sale of food and beverages on campuses, including food and beverages sold as full meals, as fundraisers, through competitive sales, and through vending machines. The following paragraph may be revised to reflect district practice.

The Board shall not enter into or renew a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food until parents/guardians, students, and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled board meeting or as otherwise authorized by Education Code 35182.5. The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5)

(cf. 9322—Agendas/Meeting Materials)
(cf. 9323—Meeting Conduct)

The public hearing shall include but not be limited to a discussion of the nutritional value of food and beverages sold within the district; the availability of fresh fruit, vegetables, and grains in school meals and snacks, including locally grown and organic produce; the amount of fat, sugar, and additives in the food and beverages discussed; and barriers to student participation in school breakfast and lunch programs. (Education 35182.5)

(cf. 5030—Student Wellness)

The contract shall be accessible to the public and may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public. (Education Code 35182.5)

(cf. 1340—Access to District Records)

Contracts for Electronic Products or Services

Note: Education Code 35182.5 prohibits districts or schools from entering into contracts for electronic products or services that require dissemination of advertising to students, unless the following conditions are satisfied. This section should be modified to reflect any additional requirements added by the district.

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)

1. Enters into the contract at a noticed, public hearing of the Board.

(cf. 9320—Meetings and Notices)

2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.

(cf. 0440—District Technology Plan)
(cf. 6162.7—Use of Technology in Instruction)



Contracts (Continued)

3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.
- (cf. 1325—Advertising and Promotion)
4. As part of the district’s normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.
5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. Any request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
14505 Provisions required in contracts for audits
17595-17606 Contracts
35182.5 Contract prohibitions
45103.5 Contracts for management consulting service related to food service
49431-49431.5 Nutritional standards
CODE OF CIVIL PROCEDURE
685.010 Rate of interest
GOVERNMENT CODE
12990 Nondiscrimination and compliance employment programs
53260 Contract provision re maximum cash settlement
53262 Ratification of contracts with administrative officers
LABOR CODE
1775 Penalties for violations
1810-1813 Working hours
PUBLIC CONTRACT CODE
4100-4114 Subletting and subcontracting fair practices
7104 Contracts for excavations; discovery of hazardous waste
7106 Noncollusion affidavit
20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
20104.50 Construction Progress Payments
22300 Performance retentions
UNITED STATES CODE, TITLE 20
1681-1688 Title IX, discrimination

Management Resources:

CSBA PUBLICATIONS
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005
WEB SITES
CSBA: www.csba.org
California Association of School Business Officials: www.casbo.org



Food Service/Child Nutrition Program

Note: The following optional policy may be revised to reflect district practice. For food sales outside the district’s food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.

The Governing Board recognizes that students need adequate, nourishing food in order to grow, learn, and maintain good health. Foods and beverages available through the district’s food service program shall:

1. Be carefully selected so as to contribute to students’ nutritional well-being and the prevention of disease

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Note: The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note) mandates any district participating in the National School Lunch Program (42 USC 1751-1769) and/or any program in the Child Nutrition Act of 1966 (42 USC 1771-1791), including the School Breakfast Program, to adopt a districtwide student wellness policy including nutritional guidelines for all foods available on school campuses; see BP 5030 - Student Wellness for language fulfilling this mandate. Also see the accompanying administrative regulation for state and federal legal requirements pertaining to nutritional standards.

2. Meet or exceed nutritional standards specified in law and administrative regulation

(cf. 3554 - Other Food Sales)
(cf. 5030 - Student Wellness)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 6300 - Preschool/Early Childhood Education)

3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits

(cf. 6142.8 - Comprehensive Health Education)

4. Be served in age-appropriate portions

Note: Pursuant to Education Code 38084, the district may determine meal prices consistent with the goal of paying the cost of maintaining the cafeterias; see AR 3551 - Food Service Operations/Cafeteria Fund. Students who meet federal eligibility criteria for the reduced-price meal program cannot be charged more than the amounts listed in 42 USC 1758 and 1773; see AR 3553 - Free and Reduced Price Meals. State and federal reimbursements for all child nutrition programs are administered by the California Department of Education and are based on the number and type of meals served.

5. Be sold at reasonable prices

(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3553 - Free and Reduced Price Meals)



Food Service/Child Nutrition Program (Continued)

Note: The following optional paragraph reflects the purposes of the California Fresh Start Program (Education Code 49565-49565.8 and 5 CCR 15566-15568, as amended by Register 2006, No. 35) but may also be used or adapted by districts that do not participate in the program.

The district’s food service program shall give priority to serving unprocessed foods and fresh fruits and vegetables that are not deep fried.

Note: Pursuant to 7 CFR 210.12, districts participating in the National School Lunch Program are encouraged to promote activities to involve students and parents/guardians in the program. The following optional paragraph reflects this intent and should be revised to reflect district practice.

The Superintendent or designee shall encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus.

The Board desires to provide students with adequate time and space to eat meals. To the extent possible, school, recess, and transportation schedules shall be designed to encourage participation in school meal programs.

The Superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation.

(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3517- Facilities Inspection)
(cf. 7110 - Facilities Master Plan)

Note: The district’s food service program is subject to the food safety standards in Health and Safety Code 113700-114437. In addition, 42 USC 1758 requires all schools participating in the National School Lunch and/or Breakfast Program to implement a food safety program for the preparation and service of school meals. See the accompanying administrative regulation for requirements of the food safety program.

In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation process, from receiving to service.

Note: The following optional paragraph reflects the legislative intent expressed in Education Code 49431 and 49431.2 that the Governing Board annually review the district’s compliance with nutritional standards.

The Superintendent or designee shall annually report to the Board regarding the district’s compliance with state and federal nutritional standards for foods and beverages.

(cf. 0500 - Accountability)



Food Service/Child Nutrition Program (Continued)

Legal Reference:

EDUCATION CODE

35182.5 Contracts, non-nutritious beverages
38080-38103 Cafeteria, establishment and use
45103.5 Contracts for management consulting services; restrictions
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49561 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
15566-15568 California Fresh Start Program

UNITED STATES CODE, TITLE 42

1751-1769h School lunch programs, including:
1751 Note Local wellness policy
1771-1791 Child nutrition, especially:
1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

Management Resources:

CSBA PUBLICATIONS

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Healthy Children Ready to Learn, January 2005

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005

Dietary Guidelines for Americans, 2005

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>
California Department of Public Health: <http://www.cdph.ca.gov>
California Healthy Kids Resource Center: <http://www.californiahealthykids.org>
California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>



Food Service/Child Nutrition Program (Continued)

California School Nutrition Association: <http://www.calsna.org>
Centers for Disease Control and Prevention: <http://www.cdc.gov>
National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>
National Association of State Boards of Education: <http://www.nasbe.org>
School Nutrition Association: <http://www.schoolnutrition.org>
U.S. Department of Agriculture, Food and Nutrition Information Center: <http://www.nal.usda.gov/fnic>

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BP 3550

(11/03 11/05) 11/07



CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3550

Food Service/Child Nutrition Program

Note: The following optional administrative regulation applies to food sales through the district’s food service program. For food sales outside the district’s food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.

The district should select all sections below that apply to programs and grade levels offered by the district.

Nutritional Standards for Elementary Schools

Note: The following section, effective beginning July 1, 2007, applies to all foods served at elementary schools, whether or not they are served as part of the National School Lunch or Breakfast Program pursuant to 42 USC 1751-1769 or 1771-1791.

At each elementary school, the only foods that may be sold to a student during the school day are either: (Education Code 49431)

- 1. Full meals, defined by Education Code 49430 as a combination of food items that meet National School Lunch or Breakfast Program meal pattern requirements or the state’s menu planning options of Shaping Health as Partners in Education (SHAPE); or
- 2. Individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes

Nutritional Standards for National School Lunch and Breakfast Program

Note: The following section is for use by districts that participate in the National School Lunch Program (42 USC 1751-1769) and/or School Breakfast Program (42 USC 1771-1791). Participating schools must make nutritious meals available to all students enrolled at the school.

When meals offered through these programs receive increased reimbursement for students eligible for free and reduced-price meals, they are also subject to the standards specified in the section below entitled “Nutritional Standards for Free and Reduced-Price Meal Program.” Districts must ensure that such students receive the same meal choices as students who pay full price (see BP/AR 3553 - Free and Reduced Price Meals). Thus, in addition to the following standards, districts participating in the National School Lunch and/or Breakfast Program should incorporate the standards in the subsequent section whenever they have any students eligible for free or reduced-price meals.

Any school participating in the National School Lunch Program and/or School Breakfast Program pursuant to 42 USC 1751-1769h and 1771-1791 shall serve meals that, on average over each school week: (Education Code 49531; 42 USC 1758, 1773; 7 CFR 210.10, 220.8)

- 1. Meet the nutrient levels and calorie requirements appropriate for the ages/grade levels served and the menu planning approach used, as specified in 7 CFR 210.10 or 220.8
- 2. Provide one-fourth (breakfast) or one-third (lunch) of the Recommended Dietary Allowances for protein, calcium, iron, vitamin A, and vitamin C appropriate for the ages/grade levels served and the menu planning approach used
- 3. Comply with applicable Dietary Guidelines for Americans which recommend:
 - a. Limiting the percentage of calories from saturated fat to less than 10 percent of total calories offered



Food Service/Child Nutrition Program (Continued)

- b. Limiting the percentage of calories from total fat to 30 percent of total calories offered
- c. Reducing sodium and cholesterol levels
- d. Increasing the level of dietary fiber

(cf. 5030 - Student Wellness)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Nutritional Standards for Free and Reduced-Price Meals Program

Note: The following section is for use by all districts. Education Code 49550-49560 require all schools, including those that do not participate either in the National School Lunch or Breakfast Program, to provide at least one nutritionally adequate meal during each school day to students who meet federal eligibility criteria for free and reduced-price meals; see BP/AR 3553 - Free and Reduced Price Meals. Pursuant to 42 USC 1757 and 1773, districts that participate in the National School Lunch and/or Breakfast Program may receive reimbursements for free and reduced-price meals at a higher rate than those provided for meals provided to noneligible students. In addition, state funding may be available through the State Meal Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for all available federal and state funds.

Education Code 49430.7, as added by SB 80 (Ch. 174, Statutes of 2007) and amended by SB 132 (Ch. 730, Statutes of 2007), establishes the following nutritional standards for meals reimbursed through the free and reduced-price meal program, effective in the 2007-08 fiscal year. As a condition of receiving these funds, districts must provide the CDE, by June 30, 2008, with a one-time certification of compliance with this law.

Any school that has students who meet federal eligibility criteria for free or reduced-price meals shall: (Education Code 49430.7)

1. Ensure that meals meet National School Lunch and/or Breakfast Program nutritional guidelines or the state's menu planning options of SHAPE
2. Not sell or serve a food item that the district or school has deep fried, par fried, or flash fried, as defined in Education Code 49430, or that has been deep fried, par fried, or flash fried as part of the manufacturing process in an oil or fat prohibited by Education Code 49430.7
3. Not sell or serve a food item containing artificial trans fat, including vegetable shortening, margarine, or any kind of hydrogenated or partially hydrogenated vegetable oil unless the manufacturer's documentation or label lists the trans fat content as less than 0.5 gram per serving

(cf. 3533 - Free and Reduced Price Meals)

Nutritional Standards for Foods Outside the National School Lunch or Breakfast Program

For food items that are not sold as part of the National School Lunch or Breakfast Program, the following nutritional standards shall apply:

Note: Item #1 below, effective beginning July 1, 2007, is for use by districts that maintain one or more elementary schools.



Food Service/Child Nutrition Program (Continued)

1. At each elementary school, an individually sold dairy or whole grain food item may be served to students if it meets all of the following standards: (Education Code 49431)
 - a. Not more than 35 percent of its total calories is from fat.
 - b. Not more than 10 percent of its total calories is from saturated fat.
 - c. Not more than 35 percent of its total weight is composed of sugar, including naturally occurring and added sugar.
 - d. Its total calories do not exceed 175 calories.

(cf. 3554 - Other Food Sales)

Note: Item #2 below, effective beginning July 1, 2007, is for use by districts maintaining middle, junior high, or high schools and should be revised to reflect the type(s) of schools maintained.

2. For foods sold to students in middle, junior high, and high schools: (Education Code 49430, 49431.2)
 - a. Each entree item shall:
 - (1) Not exceed 400 calories
 - (2) Contain no more than four grams of fat per 100 calories
 - (3) Be categorized as an entree item in the National School Lunch or Breakfast Program
 - b. For each snack item that supplements a meal:
 - (1) Not more than 35 percent of its total calories shall be from fat, excluding nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruits, vegetables that have not been deep fried, or legumes.
 - (2) Not more than 10 percent of its total calories shall be from saturated fat, excluding eggs or cheese packaged for individual sale.
 - (3) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar, excluding fruits or vegetables that have not been deep fried.
 - (4) Its total calories shall not exceed 250 calories.

Note: Item #3 below is for use by districts with any of grades K-12. SB 490 (Ch. 648, Statutes of 2007) added Education Code 49431.7 to provide that, beginning July 1, 2009, schools cannot use any food containing artificial trans fat or prepared using trans fat, when the foods are provided outside the National School Lunch or Breakfast Program. If the district chooses to implement this standard prior to this date, it should modify the following paragraph accordingly.

The requirement also applies to foods offered through a vending machine; see AR 3554 - Other Food Sales.



Food Service/Child Nutrition Program (Continued)

3. Beginning July 1, 2009, any food provided to K-12 students during school hours and within one-half hour before and after school shall not contain or have been prepared with artificial trans fat, including vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, unless the manufacturer’s documentation or label lists the trans fat content as less than 0.5 grams per serving. (Education Code 49431.7)

Nutritional Standards for Beverages

Note: Items #1-4 below are for use by districts maintaining elementary schools.

The only beverages that may be sold to elementary students, regardless of the time of day, are: (Education Code 49431.5)

- 1. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener
- 2. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener
- 3. Drinking water with no added sweetener
- 4. Milk that is 1 percent fat, 2 percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk

Note: Items #1-5 below are for use by districts that maintain middle schools or junior high schools.

The only beverages that may be sold to middle school or junior high school students from one-half hour before the start of the school day until one-half hour after the end of the school day are: (Education Code 49431.5)

- 1. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener
- 2. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener
- 3. Drinking water with no added sweetener
- 4. Milk that is 1 percent fat, 2 percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk
- 5. Electrolyte replacement beverages that contain no more than 42 grams of added sweetener per 20 ounce serving

Note: The following paragraph is for use by districts that maintain high schools. CDE Management Bulletin 06-110 clarifies that Education Code 49431.5 is applicable to high schools. Thus, the beverage standards in Education Code 49431.5 apply to 50 percent of beverages sold in high schools beginning July 1, 2007, and to 100 percent of beverages sold beginning July 1, 2009. If the district chooses to apply these standards to all beverages before July 1, 2009, it should modify the following paragraph accordingly.

At least 50 percent of the beverages sold to high school students from one-half hour before the start of the school day until one-half hour after the end of the school day shall be those specified in items #1-5 above. Beginning July 1, 2009, all of the beverages sold to high school students from one-half hour before the start of the school day until one-half hour after the end of the school day shall meet the standards specified in items #1-5 above. (Education Code 49431.5)



Food Service/Child Nutrition Program (Continued)

Food Safety

Note: Health and Safety Code 113700-114437, as amended by SB 144 (Ch. 23, Statutes of 2006) and SB 744 (Ch. 96, Statutes of 2007), contain state health and sanitation standards for food facilities.

The Superintendent or designee shall ensure that the district’s food service program meets the sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437.

Note: The following paragraphs are for use by districts participating in the National School Lunch and/or Breakfast Program. 42 USC 1758 requires all schools participating in these programs to implement a food safety program which complies with Hazard Analysis and Critical Control Point (HACCP) principles. These principles are described in U.S. Department of Agriculture guidance entitled Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles.

For all district schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a school food safety program for the preparation and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) principles. (42 USC 1758)

The district's HACCP plan shall be in writing and shall address the components specified in Health and Safety Code 114419.1 including, but not limited to, methods for determining control measures needed to prevent hazards at each stage of food production, monitoring of the implementation of the food safety program, establishment of corrective actions to be taken if the proper time or temperature range is not met, training of food service employees and supervisors on food safety issues, recordkeeping, and periodic review of the food safety program.

The Superintendent or designee shall designate at least one staff member to be responsible for verification of the HACCP plan and shall provide the designated staff member with training in HACCP principles and the contents of the plan. Records of the training shall be retained for the duration of employment or a period of not less than two years, whichever is greater. In addition, the Superintendent or designee shall provide applicable HACCP training to food service employees who work in food preparation and shall document the date, trainer, and subject of the training. (Health and Safety Code 114419.2)

(cf. 4231 - Staff Development)

Note: Pursuant to 42 USC 1758 and 7 CFR 210.13 and 220.7, a school participating in the National School Lunch and/or Breakfast Program must obtain at least two food safety inspections during each school year conducted by a state or local governmental agency responsible for food safety inspections. Any school not participating in either of these programs must obtain food safety inspections in accordance with the timelines established in local city or county regulations. All schools have similar requirements to make the inspection report available to the public.

In California, all inspections are conducted by the county environmental health agency. The inspections cover all food service areas, which may include the cafeteria, vending machines, mobile food carts, and other areas depending on the school's food service operations. Health and Safety Code 113725 specifies findings that would be considered violations, including (1) improper holding temperatures, improper cooling, or inadequate cooking of potentially hazardous foods (i.e., foods that require temperature control); (2) poor personal hygiene of food employees; (3) contaminated equipment; and (4) food from unapproved sources.

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-113725.1 and county regulations.



Food Service/Child Nutrition Program (Continued)

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, obtain a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (42 USC 1758; 7 CFR 210.13, 220.7; Health and Safety Code 113725.1)

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

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Free and Reduced Price Meals

Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to needy students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. Pursuant to 42 USC 1757 and 1773, districts that participate in the National School Lunch and/or Breakfast Program may receive reimbursement for free and reduced-price meals at a higher rate than that provided for meals provided to noneligible students. In addition, state funding may be available through the State Meal Program (Education Code 49490-49494). The district may apply to the California Department of Education for all available state and federal funds.

The maximum prices that districts may charge students for the reduced-price lunch and breakfast are specified in 42 USC 1758 and 1773. The requirement to provide at least one nutritionally adequate meal to needy students applies during summer school sessions unless the district receives a waiver from the State Board of Education under the conditions described in Education Code 49548. Funding to support the provision of summer school meals is available through the Summer Food Service Program (42 USC 1761; Education Code 49547.5).

The Governing Board recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district’s food service program.

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 6177 - Summer School)
(cf. 6300 - Preschool/Early Childhood Education)

Note: In order to be reimbursed for free and reduced-price meals, a school must follow the federal nutritional guidelines for the National School Lunch and/or Breakfast Program or the state’s Shaping Health as Partners in Education (SHAPE) menu patterns and must meet other nutritional standards specified in Education Code 49430.7, as added by SB 80 (Ch. 174, Statutes of 2007) and amended by SB 132 (Ch. 730, Statutes of 2007). Nutritional standards for the free and reduced-price meal program are described in AR 3550 - Food Service/Child Nutrition Program.

In addition, the Note in 42 USC 1758 requires each district participating in the National School Lunch and/or Breakfast Program to adopt a districtwide student wellness policy which includes an assurance that the district’s guidelines for reimbursable school meals will not be less restrictive than applicable federal regulations and guidance. See BP 5030 - Student Wellness.

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meal program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)

Note: Education Code 49557 requires the district to develop a plan ensuring nondiscrimination against students eligible for free and reduced-price meals. See the accompanying administrative regulation for plan requirements.



Free and Reduced Price Meals (Continued)

The Board shall approve, and shall submit to the California Department of Education for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meal program shall be confidential except as provided by law. (Education Code 49558)

Note: Education Code 49558 authorizes the Governing Board to allow district employees to use the name and eligibility status of students participating in the free and reduced-price meal program for the purpose of disaggregation of academic achievement data. However, in accordance with federal guidelines, free and reduced-price meal records may be shared for this purpose only when it is in connection with either Title I of the No Child Left Behind Act or the National Assessment of Educational Progress (NAEP). Education Code 49558 allows districts with schools in program improvement, pursuant to 20 USC 6316, to use this information to identify students eligible for school choice and supplemental educational services; see BP/AR 0520.2 - Title I Program Improvement Schools. Only the name and meal eligibility status of a student may be shared for this purpose. Information regarding a student’s participation in the program (e.g., household size and income, the record of meals served to that student) is confidential.

Districts wishing to use free and reduced-price meal records for these purposes are mandated to adopt a policy authorizing employee access. See the accompanying administrative regulation for additional requirements applicable to districts that authorize such access.

The Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced-price meal program for the purposes of: (Education Code 49558)

- 1. Disaggregation of academic achievement data
- 2. In any school identified for program improvement under Title I of the No Child Left Behind Act, identification of students eligible for school choice and supplemental educational services

(cf. 0520.2 -Title I Program Improvement Schools)
(cf. 5125 - Student Records)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6171 - Title I Programs)

Note: Pursuant to Education Code 49558, districts may release information on the School Lunch Program application to the local agency that determines eligibility under the Medi-Cal program under the conditions described below.

The Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information as provided by Education Code 49557.2.

(cf. 5141.6 - Student Health and Social Services)



Free and Reduced Price Meals (Continued)

Legal Reference:

EDUCATION CODE
48980 Notice at beginning of term
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act of 1974
49547-49548.3 Comprehensive nutrition service
49550-49561 Meals for needy students
CODE OF REGULATIONS, TITLE 5
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
UNITED STATES CODE, TITLE 20
1232g Federal Educational Rights and Privacy Act
6301-6514 Title I programs
UNITED STATES CODE, TITLE 42
1751-1769h School lunch program
1771-1791 Child nutrition, especially:
1773 School breakfast program
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.10-220.21 National School Breakfast Program
245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

Management Resources:

CSBA PUBLICATIONS
Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, October 2007
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006
CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS
06-103 Conditions for Summer School Meal Waivers and Saturday School Meal Criteria, January 2006
04-103 Implementation of Final Rule on Verification of Applications for Free and Reduced-Price Meals, August 2004
98-101 Confidentiality of Free and Reduced-Price Eligibility Information, February 1998
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Feed More Kids, Improve Program Participation
U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002
Eligibility Guidance for School Meals Manual, August 2001
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>
California Healthy Kids Resource Center: <http://www.californiahealthykids.org>
California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>
U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

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Free and Reduced Price Meals

Nondiscrimination Plan

The district’s plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557)

- 1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
- 2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
- 3. The students shall not be required to work for their meals or for milk.
- 4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

Applications

An application form for free or reduced-price meals shall be distributed to all parents/guardians at the beginning of each school year, together with information about eligibility standards, application procedures, and appeal procedures. This form and information shall also be provided whenever a new student is enrolled. (Education Code 48980, 49520; 7 CFR 245.5)

(cf. 5145.6 - Parental Notifications)

Applications for the free and reduced-price meal program shall be available to students at all times during the regular school day and shall contain the following statements: (Education Code 49557; 7 CFR 245.5)

- 1. Applications may be submitted at any time during the school day.
- 2. Students participating in the National School Lunch and/or School Breakfast Programs will not be overtly identified by the use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.

Note: Items #1-6 below are optional and may be deleted or revised to reflect district practice. Education Code 49557.2 authorizes, but does not require, districts to incorporate the following information into the free and reduced-price meal program application packet or notification of eligibility.

The application packet also shall contain:

- 1. A notification that, if a student qualifies for free or reduced-price meals, then he/she may qualify for free or reduced-cost health insurance coverage
- 2. A request for the parent/guardian’s consent for the student, if eligible for free school lunches, to participate in the Medi-Cal program and to have the information on the school lunch application shared with the local agency that determines eligibility under the Medi-Cal program



Free and Reduced Price Meals (Continued)

- 3. A notification that the district will not forward the application to the agency that determines Medi-Cal eligibility without the parent/guardian’s consent
- 4. A notification that the application is confidential and will not be shared with any other governmental agency for any purpose other than the administration of the Medi-Cal program
- 5. A notification that the application information will be used only by the state and local agencies that administer the Medi-Cal program and will not be shared with other government agencies, including the federal Department of Homeland Security and the Social Security Administration, except as necessary to verify information provided by the parent/guardian
- 6. Information regarding the Medi-Cal program, including available services, program requirements, rights and responsibilities, and privacy and confidentiality requirements

(cf. 5141.6 - Student Health and Social Services)

Eligibility

Note: Districts are responsible for determining students’ eligibility for free and reduced-price meals in accordance with standards established by the California Department of Education (CDE) consistent with 42 USC 1758 and 1773 and 7 CFR 245.3. Family income levels that qualify for free or reduced-price meals, by household size, are annually posted on the CDE’s web site.

The Superintendent or designee shall determine students’ eligibility for the free and reduced-price meal program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

Note: Education Code 49561 requires the CDE to maintain a computerized data-matching system to directly certify, for enrollment in the free and reduced-price meal program, recipients of the Food Stamp Program, California Work Opportunity and Responsibility to Kids (CalWORKS) Program, and other programs authorized for direct certification under federal law. Pursuant to 42 USC 1758, the system is being phased in based on district size, and will be implemented in all districts by July 1, 2008. Under this system, the CDE provides districts with a list of students who are eligible for the free and reduced-price meal program based on their enrollment in another program; such students are not required to submit any additional application. Further information about direct certification and other eligibility issues is available in the U.S. Department of Agriculture’s Eligibility Guidance for School Meals Manual.

When authorized by law, participants in other federal or state programs may be directly certified for enrollment in the free and reduced-price meal program. (Education Code 49561)

Confidentiality/Release of Records

Note: The following section is for use by districts that have adopted a policy, pursuant to Education Code 49558, allowing district employees to use individual records of students eligible for the free and reduced-price meal program for the purpose of disaggregation of academic achievement data and for the identification of students eligible for public school choice and supplemental educational services in schools identified for program improvement pursuant to 20 USC 6316. See the accompanying Board policy and BP/AR 0520.2 - Title I Program Improvement Schools.

In Management Bulletin 98-101, the CDE advises that the Governing Board must designate by name or job title the employee(s) authorized to use records for these purposes. Districts should identify the specific title(s) of the designated employee(s) in the space provided below, such as Title I Coordinator.



Free and Reduced Price Meals (Continued)

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meal program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:

(title or position)

In using the records for such purposes, the following conditions shall be satisfied: (Education Code 49558)

- 1. No individual indicators of participation in the free and reduced-price meal program shall be maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

- 2. Information regarding individual student participation in the free and reduced-price meal program shall not be publicly released.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

- 3. All other confidentiality provisions required by law shall be met.

- 4. Information collected regarding individual students certified to participate in the free and reduced-price meal program shall be destroyed when no longer needed for its intended purpose.

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Other Food Sales

Note: The following policy addresses food and beverage sales outside of the district’s food service/cafeteria program, including the use of vending machines and student stores as well as food sales on school premises by student and/or adult organizations. For policy addressing sales by the food service/cafeteria program, see BP/AR 3550 - Food Service/Child Nutrition Program.

All outside food sales are subject to state law regarding nutritional standards, time and location of the sale, and other conditions; see the accompanying administrative regulation. In addition, pursuant to 7 CFR 210.11 and 220.12, districts participating in the National School Lunch Program (42 USC 1751-1769) and/or School Breakfast Program (42 USC 1771-1791) are mandated to establish rules or regulations to control the sale of food in competition with the breakfast or lunch program. The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note) also mandates each district participating in the National School Lunch and/or Breakfast Program to adopt a districtwide student wellness policy. See BP 5030 - Student Wellness for language fulfilling the student wellness mandate.

The Governing Board believes that sales of foods and beverages at school during the school day should be aligned with the district’s goals to promote student wellness. Any food sales conducted outside the district’s food service program shall meet nutritional standards specified in law, Board policy, and administrative regulation and shall not reduce student participation in the district’s food service program.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5030 - Student Wellness)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

The Board authorizes the Superintendent or designee to approve the sale of foods and beverages outside the district’s food service program, including sales by student or school-connected organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes.

(cf. 1230 - School-Connected Organizations)
(cf. 1321 - Solicitations of Funds from and by Students)

When vending machines are sponsored by the district or a student or adult organization, the Superintendent or designee shall determine how and where vending machines may be placed at school sites, district offices, or other school facilities.

(cf. 3312 - Contracts)

Legal Reference:

EDUCATION CODE
35182.5 Contracts, non-nutritious beverages
48931 Authorization and sale of food
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
51520 School premises; prohibited solicitations
CODE OF REGULATIONS, TITLE 5
15500 Food sales in elementary schools
15501 Sales in high schools and junior high schools
HEALTH AND SAFETY CODE
113700-114437 California Retail Food Code
UNITED STATES CODE, TITLE 42
1751-1769h National School Lunch Act, including:



Other Food Sales (Continued)

1751 Note Local wellness policy
1771-1791 Child nutrition, School Breakfast Program
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

Management Resources:

CSBA PUBLICATIONS
Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006
CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS
06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006
FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS
Associated Student Body Accounting Manual and Desk Reference, 2002
NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS
Fit, Healthy and Ready to Learn, 2000
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>
California Department of Public Health: <http://www.cdph.ca.gov>
California Healthy Kids Resource Center: <http://www.californiahealthykids.org>
California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>
Centers for Disease Control and Prevention: <http://www.cdc.gov>
Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>
National Association of State Boards of Education (NASBE): <http://www.nasbe.org>
U.S. Dept. of Agriculture, Food and Nutrition Information Center: <http://www.nal.usda.gov/fnic>

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BP 3554

Administrative Regulation

Business and Noninstructional Operations

AR 3554

Other Food Sales

Nutritional Standards for Foods and Beverages

Note: Effective July 1, 2007, food sales outside the district’s food service program are subject to the nutritional standards specified in Education Code 49431 for elementary schools and 49431.2 for middle, junior high, and high schools. Beginning July 1, 2009, pursuant to Education Code 49431.7, as added by SB 490 (Ch. 648, Statutes of 2007), schools maintaining any of grades K-12 are prohibited from selling foods containing artificial trans fat through vending machines during school hours and up to one-half hour before and after school hours. Nutritional standards for beverages sold to students are contained in Education Code 49431.5. For high schools, the beverage standards will be phased in between July 1, 2007 and July 1, 2009. See AR 3550 - Food Service/Child Nutrition Program for further information regarding these standards.

Food and beverage sales outside the district’s food service program shall comply with applicable nutritional standards specified in Education Code 49431, 49431.2, 49431.5, and 49431.7.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Note: Items #1-2 below are for use by districts maintaining elementary schools.

At an elementary school, the sale of foods or beverages that do not comply with the standards in Education Code 49431 and 49431.5 may be permitted, as part of a fundraising event, only when the items are sold by students of the school and the sale meets either of the following conditions: (Education Code 49431, 49431.5)

- 1. It takes place off and away from school premises.
- 2. It takes place at least one-half hour after the end of the school day.

(cf. 1230 - School-Connected Organizations)
(cf. 1321 - Solicitations of Funds from and by Students)

Note: The remainder of this section is for use by districts maintaining middle, junior high, and/or high schools and should be revised as necessary to reflect the type(s) of schools in the district.

At a middle, junior high, or high school, the sale of food items that do not comply with the standards in Education Code 49431.2 may be permitted in any of the following circumstances: (Education Code 49431.2)

- 1. The sale takes place off and away from school premises.
- 2. The sale takes place on school premises at least one-half hour after the end of the school day.
- 3. The sale occurs during a school-sponsored student activity after the end of the school day.

(cf. 6145 - Extracurricular and Cocurricular Activities)



Other Food Sales (Continued)

Beverage sales that do not comply with the standards in Education Code 49431.5 may be permitted at a middle or junior high school as part of a school event under either of the following circumstances: (Education Code 49431.5)

- 1. The sale occurs during a school-sponsored event and takes place at the location of the event at least one-half hour after the end of the school day.
- 2. Vending machines, student stores, and cafeterias are used later than one-half hour after the end of the school day.

Additional Requirements for Schools Participating in the National School Lunch or Breakfast Program

Note: In addition to the requirements in the previous section, schools participating in the National School Lunch and/or Breakfast Program pursuant to 42 USC 1757 or 1773 are subject to the requirements described below. This section may be adapted for use by districts not participating in the federal meal programs at their discretion.

The sale of foods outside of the district’s food service program during meal periods in food service areas shall be allowed only if all income from the sale, including the sale of approved foods or drinks from vending machines, accrues to the benefit of the school, the school food service program, or the student organization(s) sponsoring the sale. (7 CFR 210.11, 220.12)

Note: 7 CFR 210.11 and 7 CFR 220.12 mandate that district rules and regulations prohibit the sale of foods of minimal nutritional value, as listed in Appendix B of 7 CFR 210 or Appendix B of 7 CFR 220, in food service areas during breakfast and lunch periods.

No foods of minimal nutritional value, as listed in 7 CFR 210, Appendix B, and 7 CFR 220, Appendix B, shall be sold in food service areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)

Note: The remainder of this section reflects 5 CCR 15500-15501 pertaining to sales by student organizations. The California Department of Education advises that, in any case where these Title 5 provisions conflict with state or federal law, the stricter language would apply. For example, 5 CCR 15500 states that a student organization may only sell a dessert-type item, such as a pastry, ice cream, or fruit. To the extent that this requirement conflicts with the nutritional standards specified in Education Code 94931 or 49431.2, the Education Code provisions would supersede the Title 5 regulations.

Items #1-7 below are for use by districts that maintain any of grades K-8.

In a school with any of grades K-8 that is participating in the National School Lunch and/or Breakfast Program, the Superintendent or designee shall not permit the sale of foods by a student organization except when all of the following conditions are met: (5 CCR 15500)

- 1. The student organization shall sell only one food item per sale.
- 2. The specific nutritious food item is approved by the Superintendent or designee.
- 3. The sale does not begin until after the close of the regularly scheduled midday food service period.
- 4. The sale during the regular school day is not of food items prepared on the premises.



Other Food Sales (Continued)

- 5. There are no more than four such sales per year per school.
- 6. The food sold is a dessert-type food, such as pastry, ice cream, or fruit.
- 7. The food sold is not one sold in the district’s food service program at that school during that school day.

Note: Items #1-4 below are for use by districts that maintain junior high or high schools.

In junior high and high schools, a student organization may be approved to sell food items during or after the school day if all of the following conditions are met: (5 CCR 15501)

- 1. Only one student organization conducts a food sale on a given school day and the organization sells no more than three types of food or beverage items, except that up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items.
- 2. The specific nutritious food items are approved by the Superintendent or designee.
- 3. Food items sold during the regular school day are not prepared on the premises.
- 4. The food items sold are not those sold in the district’s food service program at that school during that school day.

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Student Wellness

Note: The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note) mandates each district participating in the National School Lunch Program (42 USC 1751-1769) or any program in the Child Nutrition Act of 1966 (42 USC 1771-1791), including the School Breakfast Program, to adopt a districtwide school wellness policy with specified components by the beginning of the school year after July 2006. The following policy fulfills this mandate and should be revised to reflect district practice. Districts should consider reviewing other related policies for consistency, including BP 3312 - Contracts, BP/AR 3550 - Food Service/Child Nutrition Program, BP/AR 3553 - Free and Reduced Price Meals, BP/AR 3554 - Other Food Sales, BP/AR 6142.7 - Physical Education, and BP/AR 6142.8 - Comprehensive Health Education.

CSBA's Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide summarizes research on the relationship between nutrition and physical activity and student achievement, provides worksheets for policy development, and contains other resources that may be useful in the development of the wellness policy. In addition, the Note in 42 USC 1751 requires the U.S. Secretary of Agriculture to provide information and technical assistance through the Centers for Disease Control and Prevention.

The following paragraph links student wellness with the components of a coordinated school health approach recommended in the California Department of Education's (CDE) Health Framework for California Public Schools and may be revised to reflect district practice.

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

- (cf. 3513.3 - Tobacco-Free Schools)
- (cf. 3514 - Environmental Safety)
- (cf. 5131.6 - Alcohol and Other Drugs)
- (cf. 5131.61 - Drug Testing)
- (cf. 5131.62 - Tobacco)
- (cf. 5131.63 - Steroids)
- (cf. 5141 - Health Care and Emergencies)
- (cf. 5141.22 - Infectious Diseases)
- (cf. 5141.27 - Food Allergies/Special Dietary Needs)
- (cf. 5141.3 - Health Examinations)
- (cf. 5141.31 - Immunizations)
- (cf. 5141.32 - Health Screening for School Entry)
- (cf. 5141.6 - Student Health and Social Services)
- (cf. 5142 - Safety)
- (cf. 5146 - Married/Pregnant/Parenting Students)
- (cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)
- (cf. 6164.2 - Guidance/Counseling Services)

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, the district or school web site, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

- (cf. 1113 - District and School Web Sites)
- (cf. 6020 - Parent Involvement)



Student Wellness (Continued)

School Health Council/Committee

Note: The following optional section may be revised to reflect district practice. The Note in 42 USC 1751 required that the district's wellness policy be developed with the involvement of parents/guardians, students, school food service professionals, school administrators, Governing Board representatives, and members of the public. One method to achieve continuing involvement of those groups and other key stakeholders could be through the creation of a school health council, as recommended in the CDE's Health Framework for California Public Schools.

Pursuant to Government Code 54952, committees created by formal action of the Board are subject to open meeting laws (the Brown Act). In *Frazer v. Dixon Unified School District*, the court held that the adoption of a Board policy that required the appointment of a committee to advise the Superintendent and, in turn, the Board was a committee created by “formal Board action” and therefore the committee’s meetings were subject to the Brown Act. Districts should consult legal counsel when questions arise regarding the applicability of Brown Act requirements to district or school committees. Committees that are created by the Superintendent or designee to advise the administration and that do not report to the Board are not required to comply with the Brown Act but must comply with other, less complex procedural requirements. See AR 1220 - Citizen Advisory Committees.

The Superintendent or designee may appoint a school health council or other committee consisting of parents/guardians, students, food service employees, district and school site administrators, Board representatives, health professionals, school nurses, health educators, physical education teachers, counselors, members of the public, and/or others interested in school health issues.

- (cf. 1220 - Citizen Advisory Committees)
- (cf. 9140 - Board Representatives)

The school health council or committee shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the council's charge(s) may include the planning and implementation of activities to promote health within the school or community.

Nutrition Education and Physical Activity Goals

Note: The Note in 42 USC 1751 mandates that the district’s wellness policy include goals for nutrition education and physical activity, as specified below.

The Board shall adopt goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the district determines appropriate. (42 USC 1751 Note)

- (cf. 0000 - Vision)
- (cf. 0200 - Goals for the School District)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.



Student Wellness (Continued)

The district’s nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state’s curriculum frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)

Nutrition education shall be provided as part of the health education program in grades K-12 and, as appropriate, shall be integrated into other academic subjects in the regular educational program. Nutrition education also may be offered through before- and after-school programs.

(cf. 5148.2 - Before/After School Programs)
(cf. 6142.8 - Comprehensive Health Education)

All students in grades K-12 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, school athletic programs, extracurricular programs, before- and/or after-school programs, and other structured and unstructured activities.

(cf. 6142.7 - Physical Education)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall encourage staff to serve as positive role models. He/she shall promote and may provide opportunities for regular physical activity among employees. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, or other means.

(cf. 1325 - Advertising and Promotion)

Nutritional Guidelines for Foods Available at School

Note: The Note in 42 USC 1751 mandates that the district’s wellness policy include nutritional guidelines, as specified below.

Nutritional standards are detailed in AR 3550 - Food Service/Child Nutrition Program and AR 3554 - Other Food Sales. Education Code 49431.7, as added by SB 490 (Ch. 648, Statutes of 2007), establishes additional nutritional standards prohibiting foods with artificial trans fat, effective July 1, 2009; see AR 3550 and AR 3554.

The Board shall adopt nutritional guidelines for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity. (42 USC 1751 Note)



Student Wellness (Continued)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.

The Board believes that foods and beverages available to students at district schools should support the health curriculum and promote optimal health. Nutritional standards adopted by the district for all foods and beverages sold to students, including foods and beverages provided through the district’s food service program, student stores, vending machines, fundraisers, or other venues, shall meet or exceed state and federal nutritional standards.

(cf. 3312 - Contracts)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3554 - Other Food Sales)
(cf. 5148 - Child Care and Development)
(cf. 6300 - Preschool/Early Childhood Education)

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students’ academic performance, accomplishments, or classroom behavior.

(cf. 1230 - School-Connected Organizations)

School staff shall encourage parents/guardians or other volunteers to support the district’s nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties and by limiting foods or beverages that do not meet nutritional standards to no more than one such food or beverage per party. Class parties or celebrations shall be held after the lunch period when possible.

Guidelines for Reimbursable Meals

Note: The Note in 42 USC 1751 mandates that the district’s wellness policy include guidelines for reimbursable meals, as specified below.

AR 3550 - Food Service/Child Nutrition Program details nutritional standards for meals and food items reimbursed through the National School Lunch and Breakfast Programs. Education Code 49430.7, as added by SB 80 (Ch. 174, Statutes of 2007), establishes additional nutritional standards for meals and food items reimbursed through the free and reduced-price meal program effective in the 2007-08 fiscal year, conditional upon the availability of state funding.

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a), and 1779(a) and (b), as they apply to schools. (42 USC 1751 Note)

Note: The following paragraph provides policy language to address this mandated topic and should be revised to reflect district practice.



Student Wellness (Continued)

In order to maximize the district’s ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs, to the extent possible.

(cf. 3553 - Free and Reduced Price Meals)

Program Implementation and Evaluation

Note: The Note in 42 USC 1751 mandates that the district’s wellness policy establish a plan for measuring the implementation of the policy, including designating persons who will monitor implementation of the district’s wellness policy, as provided in the following paragraph.

The Board shall establish a plan for measuring implementation of this policy. The Superintendent shall designate at least one person within the district and at each school who is charged with operational responsibility for ensuring that each school site implements this policy. (42 USC 1751 Note)

(cf. 0500 - Accountability)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice. CSBA’s publication Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide provides further suggestions for fulfilling the Board’s monitoring responsibility, including possible data sources.

To determine whether the policy is being effectively implemented districtwide and at each district school, the following indicators shall be used:

- 1. Descriptions of the district’s nutrition education, physical education, and health education curricula
- 2. Number of minutes of physical education instruction offered at each grade span
- 3. Number and type of exemptions granted from physical education
- 4. Results of the state’s physical fitness test
- 5. An analysis of the nutritional content of meals served based on a sample of menus
- 6. Student participation rates in school meal programs
- 7. Any sales of non-nutritious foods and beverages in fundraisers or other venues outside of the district’s meal programs
- 8. Feedback from food service personnel, school administrators, the school health council, parents/guardians, students, and other appropriate persons
- 9. Any other indicators recommended by the Superintendent and approved by the Board

The Superintendent or designee shall report to the Board at least every two years on the implementation of this policy and any other Board policies related to nutrition and physical activity.



Student Wellness (Continued)

Posting Requirements

Each school shall post the district’s policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

Note: Education Code 49432 authorizes, but does not require, schools to post a summary of nutrition and physical activity laws and regulations. The following paragraph is optional.

Each school shall also post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

Legal Reference:

EDUCATION CODE

- 33350-33354 CDE responsibilities re: physical education
- 49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
- 49490-49494 School breakfast and lunch programs
- 49500-49505 School meals
- 49510-49520 Nutrition
- 49530-49536 Child Nutrition Act
- 49540-49546 Child care food program
- 49547-49548.3 Comprehensive nutrition services
- 49550-49561 Meals for needy students
- 49565-49565.8 California Fresh Start pilot program
- 49570 National School Lunch Act
- 51210 Course of study, grades 1-6
- 51220 Course of study, grades 7-12
- 51222 Physical education
- 51223 Physical education, elementary schools
- 51795-51796.5 School instructional gardens
- 51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

- 15500-15501 Food sales by student organizations
- 15510 Mandatory meals for needy students
- 15530-15535 Nutrition education
- 15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

- 1751-1769 National School Lunch Program, especially:
- 1751 Note Local wellness policy
- 1771-1791 Child Nutrition Act, including:
- 1773 School Breakfast Program
- 1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

- 210.1-210.31 National School Lunch Program
- 220.1-220.21 National School Breakfast Program

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781



Student Wellness (Continued)

Management Resources:

CSBA PUBLICATIONS

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007
Food Safety Requirements, Fact Sheet, October 2007
Physical Education and California Schools, Policy Brief, rev. October 2007
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
Promoting Oral Health for California’s Students: New Roles, New Opportunities for Schools, Policy Brief, March 2007
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006
School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Healthy Children Ready to Learn, January 2005
Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003
Physical Education Framework for California Public Schools, Kindergarten Through Grade 12, 1994

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2004

Making It Happen: School Nutrition Success Stories, 2005

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005
Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

CSBA: <http://www.csba.org>
Action for Healthy Kids: <http://www.actionforhealthykids.org>
California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/lr/nu>
California Department of Public Health: <http://www.cdph.ca.gov>
California Healthy Kids Resource Center: <http://www.californiahealthykids.org>
California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>
California School Nutrition Association: <http://www.calsna.org>
Centers for Disease Control and Prevention: <http://www.cdc.gov>
Dairy Council of California: <http://www.dairycouncilofca.org>
National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>
National Association of State Boards of Education: <http://www.nasbe.org>
National School Boards Association: <http://www.nsba.org>
School Nutrition Association: <http://www.schoolnutrition.org>
Society for Nutrition Education: <http://www.sne.org>
U.S. Department of Agriculture, Food Nutrition Service, wellness policy: http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Instruction

BP 6142.7

Physical Education

Note: The following optional policy may be revised to reflect district practice.

The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note) mandates each district participating in federal meals programs to adopt a districtwide student wellness policy, including goals for physical activity. See BP 5030 - Student Wellness for language fulfilling this mandate.

Education Code 33352 requires the California Department of Education (CDE) to monitor districts’ compliance with state physical education requirements as part of the Categorical Program Monitoring (CPM) process. As amended by SB 601 (Ch. 720, Statutes of 2007), Education Code 33352 requires the CDE to monitor compliance with requirements related to the minimum number of instructional minutes in physical education, physical fitness testing, inclusion of physical fitness test results in the school accountability report card, the offering of elective physical education courses to students exempted from physical education under specified circumstances, inclusion of specified components in the district’s physical education program for grades 9-12, equal opportunities for participation in physical education regardless of gender, and possession of appropriate credentials by physical education teachers. These requirements are reflected in the following policy and the accompanying administrative regulation.

The Governing Board recognizes the positive benefits of physical activity on student health and academic achievement. The Board desires to provide a physical education program that supports the district’s coordinated student wellness program, provides an adequate amount of moderate to vigorous physical activity, builds interest and proficiency in movement skills, and encourages students’ lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities should teach students how to cooperate in the achievement of common goals.

(cf. 5030 - Student Wellness)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6145.2 - Athletic Competition)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)

Note: The CDE’s Physical Education Framework describes components of a comprehensive physical education program based on state model content standards. The following paragraph reflects content areas that should be included at appropriate times during grades K-12 in accordance with the state framework and that are required for grades 9-12 in accordance with 5 CCR 10060. Pursuant to Education Code 33352, as amended by SB 601 (Ch. 720, Statutes of 2007), the CDE will check during the CPM process to determine whether the district’s program in grades 9-12 contains all of these content areas.

An Attorney General opinion (53 Ops.Cal.Atty.Gen. 230 (1970)) allows marching band classes to be included as part of the physical education program provided that the entire program substantially meets the objectives and criteria of Education Code 51220, adequately prepares students for state physical fitness performance tests, and is taught by a teacher holding a physical education credential. However, the CDE cautions that it is difficult to meet state content standards for physical education through a marching band class. If the district classifies marching band or similar activities as part of the physical education program, the Governing Board should ensure that the program in its entirety meets legally required objectives and state content standards for physical education.

The Board shall approve the components of the physical education program. The district’s program shall be aligned with state model content standards and curriculum frameworks for physical education and shall provide a developmentally appropriate sequence of instruction including, at appropriate grade levels, the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives such as self-defense and fencing.



Physical Education (Continued)

(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)

The district’s program shall provide equal opportunities for participation in physical education instruction regardless of gender.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Note: Districts have the authority to grant exemptions from physical education classes under the conditions described in the sections below. The following optional paragraph provides that students with disabilities may instead be granted an exemption on a case-by-case basis in accordance with their individualized education program or Section 504 accommodation plan.

An appropriate alternative activity or exemption from the physical education class shall be provided for a student with disabilities in accordance with his/her individualized education program or Section 504 accommodation plan.

(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

Physical education staff shall appropriately adjust the amount or type of physical exercise required of students during air pollution episodes, hot weather, or other inclement conditions or as needed to accommodate individual student health needs.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The district’s physical education program shall be provided by appropriately credentialed teachers. Continuing professional development shall be offered to physical education teachers and to classroom teachers serving as instructors of physical education in order to enhance the quality of instruction and the variety of activities offered.

(cf. 4112.2 - Certification)
(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)

Note: The following paragraph may be revised to reflect grade levels offered by the district. Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The State Board of Education (SBE) has designated FITNESSGRAM® as the required physical fitness test. See the accompanying administrative regulation for testing requirements.

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education to students in grades 5, 7, and 9. (Education Code 60800)

Note: Pursuant to 5 CCR 1043, the Board may set the date by which district staff shall report the results of physical fitness testing to the Board. The following optional paragraph should be revised to reflect district practice.



Physical Education (Continued)

The Superintendent or designee shall annually report to the Board the results of the physical fitness testing for each school and applicable grade level. He/she shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241 as described below, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district’s program in meeting goals for physical activity.

(cf. 0500 - Accountability)
(cf. 6190 - Evaluation of the Instructional Program)

The Superintendent or designee shall report the aggregate results of the physical fitness testing in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

(cf. 0510 - School Accountability Report Card)

Temporary Exemptions

Note: The following section is optional. Education Code 51241 authorizes, but does not require, districts to grant temporary exemptions from physical education under the conditions described in items #1-2 below.

The Superintendent or designee may grant a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

- 1. The student is ill or injured and a modified program to meet his/her needs cannot be provided.
- 2. The student is enrolled for one-half time or less.

Two-Year Exemptions

Note: Education Code 51241 authorizes, but does not require, districts to grant a two-year exemption from physical education to students in grades 10-12. The following optional section is for use by districts that maintain grades 10-12 and should be deleted by districts that do not grant two-year exemptions.

Pursuant to Education Code 51241, as amended by SB 601 (Ch. 720, Statutes of 2007), in order to be eligible for the two-year exemption, students are required to “satisfactorily” meet any five of the six standards of the state’s physical fitness test in grade 9. The six fitness areas measured by FITNESSGRAM® are aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, upper body strength and endurance, and flexibility. Student performance in each area is classified as being in the “healthy fitness zone” or “needs improvement.”

With a student’s consent, the Superintendent or designee may exempt the student from any two years of physical education courses during grades 10-12 provided that the student has satisfactorily met any five of the six standards of the state’s physical fitness test in grade 9. (Education Code 51241)

Note: In addition to administering the physical fitness test to students in grade 9, Education Code 51241 authorizes districts to administer the test to students in grades 10-12 so that such students may qualify for the two-year exemption. The following paragraph is optional.



Physical Education (Continued)

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the physical fitness test to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Permanent Exemptions

Note: The following section is optional. Education Code 51241 authorizes, but does not require, the district to grant permanent exemptions from physical education under the conditions described in items #1-3 below. The Board should delete any categories of exemptions that it does not wish to allow.

The Superintendent or designee may grant a permanent exemption from physical education to a student under any of the following conditions: (Education Code 51241)

- 1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years.
- 2. The student is enrolled as a postgraduate student.
- 3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Other Exemptions

Note: The following optional section is for use by districts that maintain high schools. Education Code 51222, 51242, and 52316 authorize, but do not require, the following exemptions from physical education. The Board should select the items that reflect the types of exemptions that it wishes to allow.

The Superintendent or designee may grant an exemption from physical education under the following special circumstances:

- 1. The student in grades 10-12 is excused for up to 24 clock hours in order to participate in automobile driver training. (Education Code 51222)
- 2. The student in grades 10-12 attends a regional occupational center or program and attendance in physical education courses results in hardship because of the travel time involved. (Education Code 52316)
- 3. The student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

(cf. 6145.2 - Athletic Competition)

Legal Reference:

- EDUCATION CODE**
33126 School accountability report card
33350-33354 CDE responsibilities re: physical education
35256 School accountability report card
49066 Grades; physical education class
51210 Course of study, grades 1-6
51220 Course of study, grades 7-12



Physical Education (Continued)

- 51222 Physical education
- 51223 Physical education, elementary schools
- 51241 Temporary or permanent exemption from physical education
- 51242 Exemption from physical education for athletic program participants
- 52316 Excuse from attending physical education classes
- 60800 Physical performance test
- CODE OF REGULATIONS, TITLE 5**
- 1040-1048 Physical performance test
- 3051.5 Adapted physical education for individuals with exceptional needs
- 10060 Criteria for high school physical education programs
- UNITED STATES CODE, TITLE 29**
- 794 Rehabilitation Act of 1973, Section 504
- UNITED STATES CODE, TITLE 42**
- 1751 Note Local wellness policy
- ATTORNEY GENERAL OPINIONS**
- 53 Ops.Cal.Atty.Gen. 230 (1970)

Management Resources:

- CSBA PUBLICATIONS**
Physical Education and California Schools, Policy Brief, rev. October 2007
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006
CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES
0418.89 Physical Education, April 18, 1989
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005
Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 1996
CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS
School Idea and Resource Mini Kit, 2000
CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000
NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS
Fit, Healthy and Ready to Learn, 2000
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education, Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>
California Department of Health Services, School Health Connections: <http://www.dhs.ca.gov/ps/cdic/shc/default.htm>
California Healthy Kids Resource Center: <http://www.californiahealthykids.org>
Centers for Disease Control and Prevention: <http://www.cdc.gov>
Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/cpf>
FITNESSGRAM®, Cooper Institute: <http://www.fitnessgram.net>
Healthy People 2010: <http://www.healthypeople.gov>
National Association for Sports and Physical Education: <http://www.aahperd.org/naspe>
National Association of State Boards of Education (NASBE): <http://www.nasbe.org>
National School Boards Association: <http://www.nsba.org>
The California Endowment: <http://www.calendow.org>

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CSBA Sample Administrative Regulation

Instruction

AR 6142.7

Physical Education

Instructional Time

Note: Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction in physical education for at least 200 minutes each 10 school days, exclusive of recesses and the lunch period. For grades 7-12, Education Code 51222 provides that all students, except students excused or exempted pursuant to Education Code 51241, be required to attend courses of physical education for at least 400 minutes each 10 school days. However, pursuant to Education Code 51223, elementary school districts maintaining grades 1-8 must provide instruction in physical education for students in grades 7-8 that matches the requirement for other elementary schools of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period. The California Department of Education’s Categorical Program Monitoring process reviews district compliance with these instructional time requirements. The district should select the option below that reflects the grade levels offered by the district.

OPTION 1: (Elementary Districts with any of Grades 1-8)

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days. (Education Code 51210, 51223)

OPTION 2: (High School Districts)

Instruction in physical education shall be provided for a total period of time of not less than 400 minutes each 10 school days. (Education Code 51222)

OPTION 3: (Unified School Districts)

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days for students in grades 1-6 and not less than 400 minutes each 10 school days for students in grades 7-12. (Education Code 51210, 51222)

Note: The remainder of this section is for use by districts that maintain high schools. See the accompanying Board policy for information about the exemptions described in the following paragraphs.

Students in grades 10-12 who have been granted a two-year exemption pursuant to Education Code 51241(b) shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Students in grades 10-12 who have been granted a two-year or permanent exemption from physical education pursuant to Education Code 51241(b)(1) or (c) shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

Students in a regional occupational program or center who are exempted from physical education pursuant to Education Code 52316 shall have a minimum school day of 180 minutes. (Education Code 52316)



Physical Education (Continued)

Physical Fitness Testing

Note: Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The State Board of Education (SBE) has designated FITNESSGRAM® as the required physical fitness test.

The following paragraph should be modified to reflect grade levels offered by the district. In addition, if the district has chosen to administer the test in any of grades 10-12 (see accompanying Board policy), the following paragraph should be modified accordingly.

During the month of February, March, April, or May, students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education. (Education Code 60800)

(cf. 6162.5 - Student Assessment)

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

Note: The following paragraph is optional. 5 CCR 1043.4, as added by Register 2006, No. 31, authorizes, but does not require, the district to designate a physical fitness test coordinator. If the district chooses to designate a test coordinator, his/her duties must include those described in 5 CCR 1043.4.

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district’s physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and California Department of Education for all matters related to the physical fitness test. His/her duties shall be those specified in 5 CCR 1043.4, including, but not limited to, overseeing the administration of the test and the collection and return of all test data to the test contractor. (5 CCR 1043.4)

Students shall be provided with their individual results after completing the physical performance testing. The test results may be provided in writing or orally as the student completes the testing. (Education Code 60800; 5 CCR 1043.10)

Each student’s scores on the physical performance test shall be included in his/her cumulative record. (5 CCR 1044)

(cf. 5125 - Student Records)

Testing Variations

Note: 5 CCR 1047 and 1048, as added by Register 2006, No. 31, establish allowable testing variations and accommodations as described below.

All students may be administered the state’s physical fitness test with the following test variations: (5 CCR 1047)

- 1. Extra time within a testing day
- 2. Test directions that are simplified or clarified



Physical Education (Continued)

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

- 1. Audio amplification equipment
- 2. Separate testing for individual students provided that they are directly supervised by the test examiner
- 3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

- 1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
- 2. Administration of the test by a test examiner to the student at home or in the hospital
- 3. Any other accommodation specified in the student’s IEP or Section 504 plan for the physical fitness test

(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

- 1. Separate testing with other English learners, provided that they are directly supervised by the test examiner
- 2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

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CSBA Sample Board Policy

Instruction

BP 6142.8

Comprehensive Health Education

Note: The following optional policy reflects four “unifying ideas of health literacy” that should be emphasized throughout the health curriculum according to the California Department of Education’s Health Framework for California Public Schools.

The Governing Board believes that health education should foster the knowledge, skills, and behaviors that students need in order to lead healthy, productive lives. The district’s health education program shall teach personal responsibility for one’s own lifelong health, respect for and promotion of the health of others, the process of growth and development, and informed use of health-related information, products, and services.

Note: The Federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note, added by P.L. 108-265, Section 204) requires each district participating in the National School Lunch program (42 USC 1751-1769) or the Child Nutrition Act of 1966 including the School Breakfast Program (42 USC 1771-1791) to develop and adopt a districtwide school wellness policy by the beginning of the school year after July 2006, through a process that involves specified stakeholders. As part of the student wellness policy, the district must establish goals for nutrition education and physical education. See BP 5030—Student Wellness for language fulfilling this mandate.

Goals for the district’s health education program shall be designed to promote student wellness and shall be developed in accordance with Board policy. Such goals shall include, but not be limited to, goals for nutrition education and physical activity.

(cf. 5030—Student Wellness)
(cf. 6011—Academic Standards)
(cf. 6142.1—Sexual Health and HIV/AIDS Prevention Education)
(cf. 6142.7—Physical Education)

Note: The following optional paragraph should be revised as necessary to reflect grade levels offered by the district. Education Code 51210 requires that the adopted course of study for grades 1-6 include instruction in health, including instruction in the principles and practices of individual, family, and community health. In addition, Education Code 51202 requires that certain health-related topics be addressed at the appropriate elementary and secondary grade levels, as determined by the district. Education Code 51934 requires that students be provided HIV/AIDS prevention instruction at least once in middle school or junior high school and at least once in high school. See AR 6143—Courses of Study and BP/AR 6142.1—Sexual Health and HIV/AIDS Prevention Instruction.

Topics to be addressed in a comprehensive health education program are detailed in both Education Code 51890 and the CDE’s Health Framework; see the accompanying administrative regulation.

The district shall provide a planned, sequential, research-based, and age-appropriate health education curriculum for students in grades K-12. The content of health instruction shall be offered in accordance with law, Board policy, administrative regulation, and shall be aligned with state curriculum frameworks.

(cf. 6143—Courses of Study)

The Board intends for health education to be part of a coordinated school health system that links district, school, and community programs and services to promote the health and well-being of students.



Comprehensive Health Education (Continued)

(cf. 1020—Youth Services)
(cf. 3513.3—Tobacco-Free Schools)
(cf. 3514—Environmental Safety)
(cf. 3550—Food Service/Child Nutrition Program)
(cf. 3554—Other Food Sales)
(cf. 4020—Drug and Alcohol-Free Workplace)
(cf. 5131.6—Alcohol and Other Drugs)
(cf. 5131.63—Steroids)
(cf. 5141.23—Infectious Disease Prevention)
(cf. 5141.3—Health Examinations)
(cf. 5141.32—Health Screening for School Entry)
(cf. 5141.4—Child Abuse Prevention and Reporting)
(cf. 5141.6—Student Health and Social Services)
(cf. 5142—Safety)
(cf. 5146—Married/Pregnant/Parenting Students)
(cf. 6164.2—Guidance/Counseling Services)

The Superintendent or designee shall provide periodic reports to the Board regarding the implementation and effectiveness of the district’s health education program.

(cf. 0500—Accountability)

Legal Reference

EDUCATION CODE
8850.5 Family relationships and parenting education
35183.5 Sun protection
49413 First aid training
49430-49436 Pupil Nutrition, Health and Achievement Act of 2001
49490-49493 School breakfast and lunch programs
49500-49505 School meals
51202 Instruction in personal and public health and safety
51203 Instruction on alcohol, narcotics and dangerous drugs
51210 Areas of study
51220.5 Parenting skills; areas of instruction
51260-51269 Drug education
51265 Gang violence and drug and alcohol abuse prevention inservice
51513 Personal beliefs
51890-51891 Comprehensive health education programs
51913 District health education plan
51920 Inservice training, health education
51930-51939 Comprehensive sexual health and HIV/AIDS prevention education
CALIFORNIA CODE OF REGULATIONS, TITLE 5
11800-11801 District health education plan

Management Resources

CSBA PUBLICATIONS
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003
CALIFORNIA DEPARTMENT OF HEALTH PUBLICATIONS
Jump Start Teens, 1997



Comprehensive Health Education (Continued)

WEB SITES
CSBA: www.csba.org
California Department of Education, Health Education: www.cde.ca.gov/ci/he
California Department of Health, School Health Connections: www.mch.dhs.ca.gov/programs/shc/shc.htm
California Healthy Kids Resource Center: www.californiahealthykids.org
California Project LEAN (Leaders Encouraging Activity and Nutrition): www.californiaprojectlean.org
Centers for Disease Control and Prevention: www.cdc.gov
National Hearing Conservation Association: www.hearingconservation.org

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Comprehensive Health Education

Content of Instruction

Note: Items #1-10 below reflect components of a comprehensive health education program specified in Education Code 51890. These components are required for districts seeking state reimbursement for related staff development pursuant to Education Code 51920. The California Department of Education’s Health Framework for California Public Schools also describes major content areas of health education that are substantially similar to the components specified in Education Code 51890. The district may revise or expand the following list to reflect the topics to be addressed in the district’s program.

AB 689 (Ch. 645, Statutes of 2005) added Education Code 51012.8 to require the State Board of Education, contingent upon funding, to adopt content standards in health education on or before March 1, 2008.

The district’s health education program shall include instruction to aid students in making decisions in matters of personal, family and community health, including the following topics: (Education Code 51890)

1. The use of health care services and products

(cf. 1020—Youth Services)
(cf. 5141.6—Student Health and Social Services)

2. Mental and emotional health and development

3. Use and misuse of drugs, including tobacco and alcohol

(cf. 3513.3—Tobacco-Free Schools)
(cf. 5131.6—Alcohol and Other Drugs)
(cf. 5131.63—Steroids)

4. Family health and child development, including the legal and financial aspects and responsibilities of marriage and parenthood

(cf. 5146—Married/Pregnant/Parenting Students)

5. Oral health, vision, and hearing

6. Nutrition, which may include related topics such as obesity and diabetes prevention

(cf. 5030—Student Wellness)

7. Exercise, rest, and posture

(cf. 6142.7—Physical Education)

8. Diseases and disorders, including sickle cell anemia and related genetic diseases and disorders

(cf. 5141.23—Infectious Disease Prevention)

9. Environmental health and safety

10. Community health



Comprehensive Health Education (Continued)

Note: Although Education Code 51890 does not specifically list injury prevention as a topic to be included in a comprehensive health education program, injury prevention is included in the CDE’s Health Framework as a major content area. In addition, pursuant to Education Code 51940, districts may, on a voluntary basis, use curricula distributed by the California Healthy Kids Resource Center that focuses on prevention of brain and spinal cord injuries. The following optional paragraph may be revised to reflect district practice.

Instruction also shall include injury prevention and safety, which may include but not be limited to prevention of brain and spinal cord injuries, hearing conservation, and avoidance of overexposure to sun.

(cf. 5142—Safety)

Exemption from Health Instruction

Note: AB 2525 (Ch. 896, Statutes of 2004) added Education Code 51240 to authorize a parent/guardian to excuse his/her child from health education when the instruction conflicts with his/her religious beliefs.

Upon written request from a parent/guardian, a student shall be excused from any part of the school’s health instruction that conflicts with his/her religious training and beliefs, including personal moral convictions. (Education Code 51240)

(cf. 5020—Parent Rights and Responsibilities)
(cf. 6142.1—Sexual Health and HIV/AIDS Prevention Education)

Students so excused shall be given an alternative educational activity.

Involvement of Health Professionals

The district’s health education program shall be designed to actively involve the community, including professional health and safety personnel, in course evaluation. (Education Code 51913)

Health care professionals also shall be involved in the development and implementation of the district’s health education plan and in course evaluation. Such professionals shall represent, at the district’s option, the varied fields of health care, including voluntary collaborations with managed health care and health care providers; local public and private health, safety, and community service agencies; and other appropriate community resources. (Education Code 51913)

Health care professionals, health care service plans, health care providers, and other entities participating in a voluntary initiative with the district are prohibited from communicating about a product or service in a way that is intended to encourage persons to purchase or use the product or service. However, the following activities may be allowed: (Education Code 51890)

- 1. Health care or health education information provided in a brochure or pamphlet that contains the logo or name of a health care service plan or health care organization, if provided in coordination with the voluntary initiative
- 2. Outreach, application assistance, and enrollment activities relating to federal, state, or county-sponsored health care insurance programs

Wellness Policy Designees

[illegible]



Wellness Policy Data Collection Matrix

Data	Data availability	Source/Location	Data collection	Person/Dept. responsible	Submit to District designee
FITNESSGRAM results	Dec	EDS www.eddataonline.com/fitness	Jan	Research/ Assessment	Jan
	Dec	CDE (dataquest) data1.cde.ca.gov/dataquest	Jan	Research/ Assessment	Jan
	June	Site Local data	July	Research/ Assessment	Aug
NSLP program participation	Fall	CDE (dataquest) data1.cde.ca.gov/dataquest	Fall	District Designee	Aug
		CDE (CalWorks) www.cde.ca.gov/ds/sh/cw/filesafdc.asp		District Designee	Aug
	Jan	CDE (FoodPrograms) www.cde.ca.gov/ds/sh/sn/		District Designee	Aug
	Any time	Food Services Local data		Food Services	Aug
					Aug
Number of physical education minutes per segment	Every 4 years	CPM Audit Cycle CPM-VII Teaching and Learning: Physical education instructional minutes report (VII-PE. 1.-VII-PE 3.)	When conducted		
CIF Report	Every two years	CIF/sites Collect annual reports from site or local CIF headquarter www.cifstate.org		Site Designee	Aug
Student Store sales	Any time	Fiscal or School site Site Sales receipts	July (for previous year)		
Number of teachers participating in professional development (physical education/nutrition classes)	Any time	Human Resources/CPL Offerings District sponsored for most recent school year	July (for previous year)	CPL	Aug
Analysis of nutritional content of meals served	Any time	CDE School Meal Nutrition Analysis Report www.cde.ca.gov/ds/sh/sn	When conducted	Food Services	
School Meals Initiative (SMI) Summary	When conducted	Food Services/CDE www.cde.ca.gov/ds/sh/sn	When conducted	Food Services	
Random Cafeteria Audits	Any time	Site Audit form provided by District Designee	Fall/Winter/ Spring	Site Designee	x date/x date/x date
Nutritional quality of foods sold	End of year	Food Services List of foods approved; nutritional analysis	End of year	Foods Services	August
	End of year	Site Form; Purchase orders	End of year	Site	Jul 31



Physical Education Exemptions Form

Directions: For the school year, please record the number of exemptions granted.

School

Date

Completed by (Name/Title)

Return to (person/department)by (Date)

Type of Exemption	Number of Exemptions
Two-Year	
Student is in grades 10-12 and has passed at least five of six standards on the state fitness test	
Permanent	
Student is 16 years or older and has been in grade 10 for more than one academic year	
Student is enrolled as a postgraduate student	
Student is enrolled in a juvenile home, ranch, camp or forestry camp school with scheduled recreation and exercise	
Other	
Student is in high school and engaged in a school-sponsored interscholastic athletic program conducted wholly or partially after school hours	
Totals	

[illegible]

School _____
Date _____

Completed by (Name/Title)

Return to (person/department)]

by [Date]

Directions: For each objective that is met, place a check in the corresponding box to the left. Please provide reason for each objective not met in the comment area provided.

School Facilities for Food Preparation and Cafeteria Eating Objectives

- ☐ **Objective 1:** Bathroom facilities for students are near the eating facility.
Comments:
- ☐ **Objective 2:** Bathroom facilities are equipped with soap and paper towels for students to wash hands.
Comments:
- ☐ **Objective 3:** Students have enough time to retrieve and eat during scheduled meal periods.
Comments:
- ☐ **Objective 4:** Cafeteria seating is available for all students during the scheduled meal periods.
Comments:
- ☐ **Objective 5:** Food preparation personnel are observed following safety and sanitation requirements.
Comments:
- ☐ **Objective 6:** At least one employee has passed a safety certificate exam.
Comments:
- ☐ **Objective 7:** Food Safety Certificate is on file and up to date.
Comments:
- ☐ **Objective 8:** District's policies and regulations on nutrition and physical activity are in public view.
Comments:



School Cafeteria Eating Facilities and Food Preparation

School audit summary

School audit summary	Objective								Comments
	1 Met	2 Met	3 Met	4 Met	5 Met	6 Met	7 Met	8 Met	
Elementary									
subtotal:									
Middle									
subtotal:									
High									
subtotal:									
Totals:									

Audit summary

Audit summary		Objective							
		1 Met	2 Met	3 Met	4 Met	5 Met	6 Met	7 Met	8 Met
Elementary									
Middle									
High									
Totals:									

School	month/year reviewed	Compliant? y/n*	Actions/Comments
Total in compliance:			

[illegible]

