

Nutrition Standards for Schools: Implications for Student Wellness

Nutrition standards for foods and beverages provided on campus should be part of a coordinated approach to encouraging healthy eating practices and physical activity in order to improve children's health, curb childhood obesity and enhance student learning. If the district participates in the National School Lunch Program, School Breakfast Program and/or other programs authorized by the federal Child Nutrition Act, the district's nutrition guidelines must be incorporated into a comprehensive policy on student wellness as described below.

It is the responsibility of the governance team to ensure that district standards meet or exceed the applicable standards specified in state and federal law. Some changes in state standards for foods and beverages became effective July 1, 2007. In addition, SB 80 (Ch. 174, 2007) adds new requirements and prohibitions for meals and food items sold as part of the free and reduced-price meal program, beginning with the 2007-08 fiscal year.

This policy brief summarizes nutrition standards affecting K-12 schools and suggests issues that boards should consider as they review related board policies.

Background: federal mandate for wellness policy

The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (Note in 42 USC 1751) mandates that any district participating in a federal nutrition program adopt a policy on student wellness that, at a minimum:

1. Includes 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. Includes nutrition guidelines selected by the district for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity.

3. Provides an assurance that the district's guidelines for reimbursable school meals will not be less restrictive than federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a) and 1799(a) and (b), as they apply to schools.
4. Establishes a plan for measuring implementation of the policy, including the designation of one or more persons in the district or at each school charged with operational responsibility for ensuring that this policy is implemented.

This policy brief focuses on components #2 and #3 pertaining to nutrition guidelines for foods and beverages sold at schools, including foods and beverages offered through reimbursable and nonreimbursable meals programs, as well as other food sales through vending machines, student stores, fundraisers or other venues.

To comply with federal law, districts should have developed the wellness policy through an inclusive process involving specified stakeholders and should have adopted the policy by the beginning of the 2006-07 school year. As districts continually monitor and evaluate their wellness policies, they should ensure that their policies, implementation plans and evaluation plans are updated to reflect current law.

Nutrition standards for reimbursable meals

The National School Lunch Program and School Breakfast Program are federally funded programs, administered by the California Department of Education, which provide financial assistance to school districts to provide nutritious meals to students. The School Lunch Program also provides donated commodity foods to help reduce lunch program costs.

Participating schools must make nutritious meals available to all students enrolled at the school. Students who meet income eligibility requirements may receive meals free of charge or at a reduced price not to exceed 40 cents for lunch or 30 cents for breakfast.

Federal law and regulations establish nutrition standards, nutrient levels and calorie levels for meals provided by

schools under the National School Lunch Program or School Breakfast Program. These detailed standards are contained in 42 USC 1758 and 1773 and 7 CFR 210.10 and 220.8 and are based on the weekly average nutrient content of school lunches or breakfasts. Schools are provided with various menu planning options as well as standardized recipes, food product specifications and preparation techniques.

To be reimbursed for free and reduced-price meals, a school must follow the federal nutrition guidelines or the state's Shaping Health as Partners in Education (SHAPE) menu patterns and meet other requirements specified in Education Code 49430.7, as added by SB 80 (2007). It may not sell or serve a food item that has been deep fried, par fried or flash fried, as defined in Education Code 49430, by the school or district or as part of the manufacturing process (with exceptions for specified oils known for their positive cardiovascular benefit). It also may not sell or serve a food item containing artificial trans fat (i.e., vegetable shortening, margarine or any kind of hydrogenated or partially hydrogenated vegetable oil unless the manufacturer's label lists the trans fat content as less than 0.5 gram per serving). By June 30, 2008, districts must provide the California Department of Education with a one-time certification of compliance with these requirements. Child development programs are encouraged but not required to meet these same standards.

Schools that do not offer the federal lunch or breakfast program for all enrolled students are nevertheless required by state law (Education Code 49550) to make available, free or at a reduced price, one nutritionally adequate meal every school day to each needy student who meets the federal eligibility criteria for free or reduced-price meals. State funding is available through the State Meal Program to help defray the costs of complying with this mandate, although at a lower rate than the federal programs. A "nutritionally adequate" meal under this program is one that meets the requirements of the federal meals programs.

Nutrition standards for nonreimbursable meals

As of July 1, 2007, foods that are not reimbursed through the free and reduced-price meals program must meet the nutrition standards established in Education Code 49431 for elementary schools and 49431.2 for middle, junior high and high schools.

At elementary schools, the only foods that may be sold to a student during the school day are full meals that meet the federal meal pattern requirements for the National School Lunch or Breakfast Program or the SHAPE menu planning options, as well as individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, legumes and vegetables that have not been deep fried. An individually sold dairy or whole grain food item may be sold if

it meets all the criteria in Education Code 49431 pertaining to fat content, sugar content and total calories.

At middle, junior high and high schools, each entree item must be one that is categorized as an entree item in the National School Lunch or Breakfast Program, does not exceed 400 calories and contains no more than four grams of fat per 100 calories. Each snack item that supplements a meal must meet the criteria in Education Code 49431.2 pertaining to fat content, sugar content and total calories.

Nutrition standards for beverages

Under state nutrition standards contained in Education Code 49431.5, beverages that may be sold at school include:

1. fruit- or vegetable-based drinks that are composed of no less than 50 percent juice and have no added sweetener;
2. drinking water with no added sweetener;
3. milk that is one percent fat, two percent fat or nonfat or nondairy milk such as soy or rice milk; and
4. for middle, junior high or high schools only, electrolyte replacement beverages that contain no more than 42 grams of added sweetener per 20-ounce serving.

These standards apply to beverages sold to elementary students regardless of the time of day and to beverages sold to middle and 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.

Beverage standards for high schools are phased in so that, beginning July 1, 2007, at least 50 percent of the beverages sold from one-half hour before the start of the school day until one-half hour after the end of the school day must be those specified above. By July 1, 2009, 100 percent of the beverages sold to high school students must meet these standards.

Outside food sales

Food sales outside of the district's food services program (e.g., through school organizations, vending machines, student stores) generally must comply with the same nutrition standards applicable to the food services program. State law (Education Code 49431, 49431.2 and 49431.5) does allow some sales of foods and beverages that do not comply with state nutrition standards, but only if such sales occur outside the school or outside the normal school day.

When foods or beverages are sold by students at any grade level as a fundraising event, it is not necessary that they comply with state nutrition standards if the sale takes place off and away from school premises, or takes place at least one-half hour after the end of the school day.

In addition, a food sale at a middle, junior high or high school need not meet nutrition standards if the sale occurs during a

school-sponsored student activity after the end of the school day. Middle and junior high schools may permit the sale of non-nutritious beverages at a school-sponsored event if the sale occurs at least one-half hour after the end of the school day and vending machines, student stores and cafeterias are used later than one-half hour after the end of the school day.

Districts that have contracts with a third party for the sale of food or beverages in vending machines may need to examine those contracts and begin negotiations in order to make sure that foods and beverages sold in vending machines comply with nutrition standards in accordance with law. If a contract provision is in conflict with state nutrition standards, district legal counsel should be consulted.

Policy considerations for boards

The governance team needs to ensure that district policies and administrative regulations containing nutrition guidelines are regularly reviewed and updated for alignment with current law. Even when the policy is developed with the involvement of a school health council or other committee, the board is ultimately responsible for the content of the policy and must ensure compliance with law.

It is recommended that the board look at the “big picture” for improving student health, rather than reviewing nutrition guidelines in isolation. As noted above, for those districts participating in federal meals programs, these nutrition guidelines should be incorporated into the district’s “wellness” policy. However, even though the district may have an overarching wellness policy, it is likely that related concepts will appear in multiple district policies. Districts are encouraged to review the following sample board policies and administrative regulations available from CSBA and tailor them to meet local needs and goals:

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 5030 - Student Wellness

BP/AR 6142.7 - Physical Education

BP/AR 6142.8 - Comprehensive Health Education

When developing or updating policy related to nutrition standards, the board might consider the following questions:

- What does research show about the relationship between nutrition and student learning?
- Do the district’s nutrition standards for all foods and beverages sold at schools align with current state and federal standards as applicable? Do they exceed state and federal standards? If so, in what ways?

- Does the district have contract obligations that need to be taken into consideration (e.g., contracts with beverage companies)? When will those contracts expire?
- How are foods currently selected for school menus? Are students or parents/guardians involved in the process?
- Are all district schools participating in available child nutrition programs, including breakfast, lunch, after-school snacks, child care food service and summer food service? If not, why not?
- What is the level of student participation in available child nutrition programs?
- What percentage of the district’s students are eligible for free or reduced-price meals? Are these students adequately served?
- Do district schools currently have vending machines, student stores or other venues for food and beverage sales? What foods and beverages are sold to students through these venues? Do they offer healthy snacks?
- Are nutrition standards perceived as part of a broader, more comprehensive approach to student health? In what ways are linkages accomplished?
- Are the district’s nutrition guidelines incorporated into an overarching policy on student wellness?
- What is the role of the school health council or committee in providing ongoing input on child nutrition and the district’s food services program?
- Has the superintendent identified persons at the district and school site levels to monitor implementation of the district’s wellness policy?
- What is the status of implementation of the district’s wellness policy?
- What measures will be used to assess the effectiveness of the district’s wellness policy? How often does the board expect reports on the district’s progress?

Other board actions

In addition to adopting policy to improve the nutritional content of foods and beverages available at schools, the board can support and reinforce its policy in the following ways:

1. In setting the vision and goals for the district, emphasize the board’s priority on supporting student health, including specific desired outcomes related to healthy eating.
2. Ensure that the district’s budget supports the priority on student nutrition. If the district will not be renewing contracts for non-nutritious foods or beverages, track the impact on the budget and explore alternative funding sources that do not compromise student health.

3. Ensure that food services staff receive ongoing professional development in child nutrition and related legal requirements.
4. Adopt curriculum that includes nutrition education that helps students acquire knowledge and skills to adopt healthy eating habits.
5. Become advocates for good health and nutrition. Encourage employees to serve as positive role models for students through their own behaviors and by avoiding the use of non-nutritious foods as classroom rewards. Encourage parents/guardians to provide healthy snacks for class parties and to reinforce healthy eating practices at home. Encourage school organizations to use non-food items for fundraisers. As community leaders, collaborate with other agencies and organizations to develop coordinated approaches to student health.
6. Ensure accountability for the implementation and evaluation of the district's wellness policy. Work with the superintendent and/or school health council or committee to identify desired outcomes that can be clearly measured, and schedule periodic reports to the board on the district's progress.

Additional resources

CSBA

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, revised April 2006

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

www.csba.org

Action for Healthy Kids

www.actionforhealthykids.org

California Department of Education

Healthy Children Ready to Learn, January 2005

Health Framework for California Public Schools, Kindergarten Through Grade 12, 2003

Feed More Kids, a series of four brochures to increase participation in lunch and breakfast programs

www.cde.ca.gov/ls/nu

California Healthy Kids Resource Center

www.californiahealthykids.org

California Project LEAN (Leaders Encouraging Activity and Nutrition)

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

Also fact sheets and advocacy tips on a variety of nutrition topics
www.californiaprojectlean.org

Centers for Disease Control and Prevention

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

Making It Happen: School Nutrition Success Stories, 2005

www.cdc.gov

Dairy Council of California

www.dairycouncilofca.org

National Alliance for Nutrition and Activity

www.cspinet.org/nutritionpolicy/nana.html

National Association of State Boards of Education

The Obesity Epidemic: What Schools Can Do, December 2004

Fit, Healthy and Ready to Learn, 2002

www.nasbe.org

School Nutrition Association

www.schoolnutrition.org

Society for Nutrition Education

www.sne.org

U.S. Department of Agriculture

Empowering Youth with Nutrition and Physical Activity, May 2007

Dietary Guidelines for Americans, 2005

Changing the Scene—Improving the School Nutrition Environment, 2000

www.fns.usda.gov/tn/healthy and www.teamnutrition.usda.gov