

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3550(a)

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)

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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
 - 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

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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.
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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:

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- (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.

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)

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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.
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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.
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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.

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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.

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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