



# **Monitoring for Success:** A Guide for Assessing and Strengthening Student Wellness Policies

2012 edition





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Student Wellness Policies

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# Preface

There is 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 for schools to be involved because of the amount of time students spend at school and the strong evidence demonstrating the link between student health and academic achievement.

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 focuses 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.

In fact, any district participating in the National School Lunch or Breakfast Program or other federally funded child nutrition program is the legally responsible to monitor and report on the implementation of the student wellness policy. This guide provides assistance to the district or county office of education in completing a report on the implementation of the student wellness policy to fulfill the requirements of federal law and assess the effectiveness of its efforts to improve student health and well-being. *(Any reference to districts throughout this guide also applies to county offices of education that participate in federally funded nutrition programs.)*

Chapter I presents an overview of the federal requirements pertaining to student wellness policies, including requirements for assessing and reporting to the public on the implementation of the policy.

Chapters II and III present recommended components of the report which fulfill the federal requirements and offer a comprehensive assessment of district progress in meeting the goals established in the wellness policy. The components are organized around the two major categories of mandated content of the wellness policy: 1) goals for nutrition promotion and education, physical activity and other school-based activities that promote student wellness, and 2) nutritional guidelines for foods available on each campus during the school day. The discussion of each component includes 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. The components are based on wellness strategies and activities included in CSBA's sample Board Policy BP 5030 - Student Wellness.

Chapter IV includes a list of resources that may assist districts throughout the policy implementation and monitoring process. It is also recommended that districts refer to CSBA's *Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide* which is available at [www.csba.org](http://www.csba.org).

The appendices provide additional resources that may be useful in assessing the district's implementation of its wellness policy, including worksheets and data collection forms, a sample report template, and related sample board policies and administrative regulations available from CSBA.

The district's implementation report should be adapted to the goals and strategies set forth in the district's own student wellness policy and expanded to include any additional policy components adopted by the local board. Districts are encouraged to submit any additional policy components they have adopted and/or their completed implementation reports via e-mail to [policy@csba.org](mailto:policy@csba.org) so that CSBA can gain further insights into district practice.

Formerly entitled *Monitoring for Success: Student Wellness Policy Implementation Monitoring Guide*, this guide was updated in 2012 to reflect changes in legal requirements pertaining to the student wellness policy, as amended by the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296). In addition, the corresponding *Student Wellness Policy Implementation Monitoring Report*, which provided a template for district reports of the implementation of the student wellness policy, has been moved into the appendices of this guide for easier use.

The 2012 revision was supported by grants from The California Endowment and the David & Lucile Packard Foundation. CSBA extends its deepest appreciation for their support of this work and other wellness-related projects and activities. CSBA's project staff also thank the following individuals for their review and feedback on this guide:

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# I. Introduction

## Mandate for student wellness policy

The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 mandated all school districts and county offices of education participating in the National School Lunch or Breakfast Program or any other federally funded child nutrition program to adopt a student wellness policy, with specified components, by the beginning of the 2006-07 school year. These requirements were amended by the Healthy, Hunger-Free Kids Act (Public Law 111-296), signed into law in December 2010.

As amended, 42 USC 1758b requires the U.S. Secretary of Agriculture to develop a framework and guidelines to help districts establish local wellness policies. Districts have discretion to use these guidelines to determine specific wellness policies that are appropriate for their schools and reflect local priorities, provided that such policies are developed and implemented through a process that involves parents, students, food service employees, physical education teachers, school health professionals, the governing board, school administrators and members of the public. The student wellness policy must include, at a minimum:

1. Goals for nutrition promotion and education, physical activity and other school-based activities that promote student wellness
2. For all foods available on each school campus during the school day, nutrition guidelines that are consistent with standards specified in 42 USC 1773 and 1779 and federal regulations and that promote student health and reduce childhood obesity
3. Legal requirements related to the review and reporting of the district's implementation of the policy

In addition, districts must ensure that the wellness policy is consistent with other applicable federal and state laws, such as state requirements related to instructional minutes for physical education.

CSBA's sample Board Policy BP 5030 - Student Wellness (see Appendix C) reflects the requirements of 42 USC 1758b and includes examples of strategies and activities that may be included in the policy to meet the goal of improved student health and well-being. In addition, the U.S. Department of Agriculture (USDA) provides model policies and best practices recommended by federal and state agencies and nongovernmental organizations (see [www.fns.usda.gov](http://www.fns.usda.gov)). Districts are strongly encouraged to review and align all their policies and programs that support student wellness, including policies on nutrition, physical activity, health education, health services, advertising/marketing, before- and after-school programs, child care and preschool programs, summer learning opportunities and any others that address opportunities to promote student health.

Districts must designate one or more district or school

employees, as appropriate, to ensure that each school complies with the district's wellness policy.

## Assessment of policy implementation

42 USC 1758b includes a number of requirements pertaining to monitoring the implementation of the student wellness policy and reporting to the public. The focus of this guide is to help districts fulfill their assessment responsibilities.

Districts must periodically assess the implementation of the wellness policy, including an assessment of:

- the extent to which district schools are in compliance with the policy
- the extent to which the district's wellness policy compares to model wellness policies available from the USDA
- the progress made in attaining the goals of the wellness policy

While the federal law requires "periodic" assessment, it does not define any specific timeline. The district's board and administrative leadership should determine how often the report will be submitted to the board for the purpose of evaluating policy and practice and making adjustments as needed. It is recommended that a report on the implementation of the wellness policy be provided to the board at least once every two years. Then, 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 component.

The board and administrative leadership should also agree on what indicators will be used to measure the implementation and effectiveness of the wellness policy. Districts must develop a plan to determine whether each component of the policy is being implemented consistently across the district and whether the policy is actually producing the desired results. Indicators may include a mix of *process* measures (e.g., number of health or physical education classes conducted, number of students participating in meals program, staffing for programs, program costs) as well as *outcome* measures that assess the policy's impact on students (e.g., changes in physical fitness test results, students' food choices, students' Body Mass Index). It may be helpful to compare results across multiple years and/or to compare district data with county, statewide or national data. If feasible, the district might also compare wellness data with other district data, such as determining any correlation between participation in lunch/breakfast programs, school attendance, academic indicators and/or student discipline rates.

Samples of indicators are included in CSBA's sample BP 5030 - Student Wellness and in Chapters II and III of this guide. Also see Appendix B which presents a template that districts might use to prepare their implementation report.

The district's plan for monitoring and assessing the wellness policy should delineate the roles and responsibilities of district

staff (including the district and/or school employees designated to ensure schools' compliance with the policy and other staff as appropriate). In addition, if the district has a school health council or committee, the council/committee should be an integral part of monitoring the wellness policy and may assume many of the data collection and reporting responsibilities. Membership on the school health council/committee is one way that the district can fulfill the requirement to provide opportunities for parents, students, food service employees, physical education teachers, school health professionals, school administrators and members of the public to participate in the review and update of the district's wellness policy. Such stakeholders could also be involved through district or school site meetings, surveys or other opportunities to provide feedback.

Finally, the district should determine how it will inform and update the public, including parents, students and others in the community, about the content and implementation of the wellness policy as well as the results of the periodic assessment. The district may use its regular communications channels (e.g., district newsletter, district and school websites, district-sponsored social media, bulletin boards) and/or provide the information to local media to share with the community. It should also consider ways to tailor the message to various audiences, such as creating brochures highlighting specific findings or providing information in different languages.

## Board considerations

Although district staff and other key stakeholders will be involved in measuring progress toward the district's student wellness goals, it is ultimately the responsibility of the board to ensure that the district's policy on student wellness meets or exceeds provisions set forth in federal and state law and is effective in promoting healthy eating and physical activity among district students.

Ideally, before the assessment is conducted, the board and superintendent should review the following questions:

- Does the district policy on student wellness reflect current legal requirements? Does it provide clear direction to staff regarding the goals and strategies for student wellness?
- Have the board and superintendent or designee agreed upon the measures that will be used to evaluate the implementation of the policy and the district's progress toward its student wellness goals?
- Which employee(s) has the superintendent designated to ensure that each school complies with the wellness policy?

When completed, the presentation of the implementation report to the board at a public meeting becomes an opportunity to highlight accomplishments and recognize staff, students, parents and others for their contributions to successful practices. It is also an opportunity to discuss 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.

Thus, the board should carefully review the findings and recommendations contained in the implementation report and ask questions as needed to understand the data and determine whether the district's strategies are achieving the desired results. As the board reviews the report, it might consider the following questions:

- In addition to the district/school wellness designees, who else was involved in the current assessment of the implementation of the policy (e.g., other district or school staff, parents, students, members of the public, school health council)?
- Has the implementation report been provided to the board and the public in accordance with the timeline established in district policy?
- Does the implementation report adequately present findings for each policy component in accordance with the agreed-upon indicators?
- What challenges, if any, did the superintendent or designee have in collecting the data? For the next implementation report, are any changes needed in the measures that will be used to assess implementation and/or outcomes?
- For each policy component addressed in the report, what do the findings show? Is the strategy being consistently implemented across district schools? Has there been any progress since the previous implementation report?
- Has the board supported the staff's implementation of the student wellness policy by 1) reinforcing student health as a priority in its communications with others, 2) holding the superintendent accountable for consistently enforcing the policy, 3) ensuring that the district budget is aligned with priorities for student wellness and 4) serving as a role model by making healthy choices for board meetings and other events?
- What partnerships, if any, does the district have with community agencies and organizations to collectively address goals around student health and academic achievement? Are those joint activities included in the current implementation report?
- What recommendations has the superintendent or designee provided to address any gaps in schools' implementation of or compliance with the district policy?
- What recommendations has the superintendent or designee provided to address any areas where the policy is not achieving the intended outcomes in terms of its impact on student wellness?
- What input do students, parents, staff or others have regarding the findings or recommendations contained in the report?
- Based on the findings and recommendations within the current report and any additional input received, are any changes needed in district policy or administrative regulations? What are the board's highest priorities for implementing new or revised strategies? What are the next steps to ensure continuous improvement?

## II. Goals for Nutrition, Physical Activity and Other Wellness Activities

*Directions: Each section below is a recommended component of the district's report assessing the implementation of its wellness policy with respect to goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. As appropriate, related legal requirements or CSBA sample board policies (BP) and/or administrative regulations (AR) are referenced. Read the "Guidelines" and "Data Sources" below for instruction on how to complete each component. See Appendix B for a template showing how the data may be incorporated into the district's report.*

### Nutrition

#### Nutrition education program

##### *Related board policy*

The district's health education program shall foster the knowledge, skills and attitudes that students need in order to lead healthy, productive lives and shall include instruction in nutrition at the appropriate grade levels. Nutrition education shall be aligned with voluntary content standards adopted by the State Board of Education (SBE) and the corresponding state curriculum framework published by the California Department of Education (CDE). In accordance with state content standards, nutrition education shall be designed to develop students' abilities to 1) understand essential concepts related to enhancing health; 2) analyze internal and external influences that affect health; 3) access and analyze health information, products and services; 4) use interpersonal communication skills, decision-making skills and goal-setting skills to enhance health; 5) practice behaviors that reduce risk and promote health; and 6) promote and support personal, family and community health. (See CSBA's BP/AR 6142.8 - Comprehensive Health Education.)

In addition, school gardens are encouraged as a way to support the nutrition education program and provide fresh fruits and vegetables for student consumption.

**Note:** The SBE's *Health Education Standards for California Public Schools: Kindergarten Through Grade Twelve* are available at [www.cde.ca.gov/be/st/ss](http://www.cde.ca.gov/be/st/ss). Content standards related to nutrition education are recommended at grades kindergarten, 2, 4, 5, 7-8 and 9-12. The curriculum framework is available at [www.cde.ca.gov/be/st/fr](http://www.cde.ca.gov/be/st/fr). In addition, the CDE has identified specific nutrition competencies which are aligned with the health education content standards but also include other benchmarks of learning and add specificity to core nutrition concepts; see the CDE's *Nutrition Education Resource Guide for California Public Schools*.

##### *Guidelines for the report*

Briefly describe the district's nutrition education curriculum at each grade level or grade span (elementary, middle and/or high school). Indicate the extent to which the curriculum is aligned with or exceeds state content standards at applicable grade levels. If applicable, include a description of nutrition education offered within preschool, before- and after-school programs, child care development program and/or summer learning opportunities.

##### *Data source*

Obtain information about the nutrition education curriculum from district/school administrators and/or health education teachers. School administrators also should be able to provide information about the number of students enrolled in classes or programs that offer nutrition education.

#### Nutrition promotion activities

##### *Related board policy*

To provide a consistent message to students about the importance of good nutrition, the district 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, free give-aways or other means. The district also encourages school staff to avoid the use of non-nutritious foods as a reward for student performance or behavior, and encourages parents, other volunteers and organizations to avoid the use of non-nutritious foods for class parties, celebrations or fundraisers. Schools may develop additional promotional activities, such as posters, food demonstrations in school cafeterias, or other marketing campaigns. (See CSBA's BP 5030 - Student Wellness.)

##### *Guidelines for the report*

Briefly describe district policy and practices, beyond the health education curriculum and the district's food services program, that promote good nutrition. Describe methods used by school staff to encourage the use of nutritious foods or non-food items for class parties, celebrations or fundraisers.

##### *Data source*

Obtain information about nutrition promotion activities from board policies and administrative regulations, district/school administrators, teachers and/or the school health council.

## Physical activity

### Physical education program

#### *Related board policy/legal requirement*

The physical education program should support the district's coordinated student wellness program, provide an adequate amount of moderate to vigorous physical activity (at least 50 percent of class/session time), build interest and proficiency in movement skills, encourage students' lifelong fitness through physical activity, and be provided in a coeducational, inclusive manner. Physical education shall be aligned with voluntary content standards adopted by the SBE and the corresponding curriculum framework. At the high school level, Education Code 33352 requires that the overall course of study include 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. (See CSBA's BP/AR 6142.7 - Physical Education and Activity.)

**Note:** The state's *Physical Education Model Content Standards for California Schools: Kindergarten through Grade Twelve* are available at [www.cde.ca.gov/be/st/ss](http://www.cde.ca.gov/be/st/ss). The curriculum framework is available at [www.cde.ca.gov/be/st/fr](http://www.cde.ca.gov/be/st/fr).

"Moderate to vigorous" physical activities are those that generally require sustained, rhythmic movements and increase students' breathing and heart rates. In moderate activity, students feel some exertion but should be able to carry on a conversation comfortably during the activity (e.g., walking briskly, dancing, swimming). Vigorous activity results in a significant increase in breathing and heart rate (e.g., jogging, high-impact aerobic dancing, swimming continuous laps).

#### *Guidelines for the report*

Briefly describe the district's physical education curriculum at each grade level or grade span (elementary, middle and/or high school). Indicate the extent to which the curriculum is aligned with or exceeds state content standards at each grade level. Estimate the percentage of time during physical education classes that students at each grade level are engaged in moderate to vigorous physical activity.

#### *Data source*

Obtain information about the physical education curriculum from district/school administrators and/or physical education teachers.

If CDE staff have recently conducted a review of the district's physical education program during the Federal Program Monitoring (FPM) process, the district may report the findings

related to its compliance with 1) required components for the high school program and 2) provision of physical education in a coeducational, inclusive manner. If findings indicate any areas of noncompliance, indicate what actions will be taken to bring the school or district into compliance.

The percentage of time that students are engaged in moderate to vigorous physical activity during physical education classes may be estimated by physical education teachers, school site wellness designees or other observers or assessed using self-monitoring tools, stopwatches and/or heart rate monitors. See Appendix A for a sample data collection form.

### Physical education minutes

#### *Related board policy/legal requirement*

Education Code 51210, 51222 and 51223 establish the minimum number of instructional minutes in physical education that schools must provide to students at each grade span. Every 10 school days, schools must provide 200 minutes of physical education for grades 1-6, 400 minutes for grades 7-12, and 200 minutes for students in grades 7-8 who attend a K-8 elementary school. (See CSBA's AR 6142.7 - Physical Education and Activity.)

#### *Guidelines for the 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.

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.

#### *Data source*

Analyze school master schedules to determine the number of instructional minutes allocated to physical education at each grade level in the current school year.

If the district's physical education program has recently been reviewed by CDE staff during the FPM process, the district may report the number of physical education minutes collected during that process and include a summary of those findings.

### Physical education exemptions

#### *Related board policy/legal requirement*

The superintendent or designee may grant two-year, permanent and other exemptions from physical education under special circumstances specified in Education Code 51241, 51242 and 52316. (See CSBA's BP 6142.7 - Physical Education and Activity.)

#### *Guidelines for the 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 report. The district may also wish to track

the number of exemptions allowed for students engaged in after-school interscholastic athletic programs or enrolled in regional occupational centers or programs. Note that most exemptions are applicable to the high school level only.

#### **Data source**

Collect the data from each school wellness designee using the Physical Education Exemptions Form in Appendix A of this guide and then summarize the data districtwide.

### **Physical fitness testing**

#### **Related board policy/legal requirement**

Schools are required to administer the state-designated physical fitness test (PFT) 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's BP/AR 6142.7 - Physical Education and Activity.)

#### **Guidelines for the report**

Provide FITNESSGRAM® results for grades 5, 7, and 9 (as applicable). Report at least two years of FITNESSGRAM® results to provide the board with a measure of improvement from year to year. Results may be summarized in a table format (see FITNESSGRAM® Results chart in Appendix A) to show the percentage of students in the Healthy Fitness Zone (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. It may also be useful to compare the district's FITNESSGRAM® results with countywide or statewide averages and/or to disaggregate the data by gender and ethnicity.

#### **Data source**

FITNESSGRAM® results can be obtained from one of three sources:

- The district's PFT Coordinator or other designee who is responsible for submitting test results to the test contractor by June every year
- The San Joaquin County Office of Education, the current state-designated test contractor, which provides district data files by September and publically releases results by October ([www.pftdata.org/district](http://www.pftdata.org/district))
- CDE Data Quest, which provides summary reports by November-December (<http://data1.cde.ca.gov/dataquest>)

### **Opportunities for physical activity outside the physical education program**

#### **Related board policy**

In addition to the physical education program, opportunities for physical activity shall be provided through recess, school athletic programs, extracurricular programs, before- and after-school programs, summer learning opportunities, programs encouraging

students to walk or bicycle to and from school, in-class physical activity breaks, and/or other structured and unstructured activities. (See CSBA's BP 5030 - Student Wellness, BP/AR 5142.2 - Safe Routes to School Program, BP/AR 6142.7 - Physical Education and Activity and BP/AR 6145.2 - Athletic Competition.)

#### **Guidelines for the report**

Provide an overview of the physical fitness activities offered in the district. If possible, include estimates of the number of students participating in each program or activity. Include a description of any challenges or opportunities that may be present to enrich the physical fitness activities offered.

#### **Data source**

Ask school administrators and/or other school staff about physical activity opportunities offered at the school site. When feasible, collect data on the number of students participating in various activities.

For high schools offering interscholastic sports, the California Interscholastic Federation (CIF) 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 for use in the implementation report.

### **Safety in physical activity programs**

#### **Related board policy/legal requirement**

To encourage students' participation in physical activity while ensuring their safety, the district shall regularly inspect and maintain playgrounds, playing fields, gymnasiums, swimming pools and other facilities. All playgrounds shall conform with standards set forth in the Health and Safety Code. In addition, protective clothing and equipment appropriate for the type of physical activity shall be provided. Students, physical education teachers, coaches and supervisors of physical activity activities shall receive instruction regarding risks and appropriate response to injury. Student athletes and their parents shall receive information about concussions and head injuries and, in the event that a student athlete is suspected of sustaining a concussion or head injury, the student shall be removed from the activity until a health care provider provides written clearance for the student to return to the activity. (See CSBA's BP 3517 - Facilities Inspection, BP/AR 5142 - Safety, BP 5141.7 - Sun Safety and BP/AR 6145.2 - Athletic Competition.)

#### **Guidelines for the report**

Describe district efforts to ensure the safety of students engaged in physical education and activity and any concerns regarding the safety of facilities or equipment. If the district has recently installed any new playground equipment, the district may report the results of the inspection conducted pursuant to Health and Safety Code 115725. If student injury reports are available, the district may analyze reports for the current and previous school years.

**Data source**

Contact district/school administrators, physical education teachers, coaches, activity supervisors and/or facilities maintenance staff to determine efforts to ensure student safety and/or student injury reports.

**Use of school facilities outside of school hours**
**Related board policy**

School facilities and open spaces at schools may be made available to students, staff and community members before, during and after the school day, on weekends, and during school vacation periods for recreation and physical activity. School facilities and open spaces also may be made available to public agencies and community organizations that offer sports or other physical activity programs. As appropriate, the district shall enter into joint use agreements or memoranda of understanding with civic and community partners to implement formal agreements for the use of school facilities, including provisions for the care and maintenance of the school facilities. (See CSBA's BP/AR - Use of School Facilities and BP 1330.1 - Joint Use Agreements.)

**Guidelines for the report**

Provide a summary of the number and type of joint use agreements or memoranda of understanding for the use of school facilities.

**Data source**

Information about the number and type of joint use agreements may be obtained from district and/or school administrators. Appendix A provides a Joint Use Agreements worksheet to summarize the information.

## Other school-based wellness activities

**Parent education and involvement**
**Related board policy**

To encourage consistent health messages between the home and school environment, the district may disseminate health information and/or the district's student wellness policy to parents through district or school newsletters, handouts, district and school websites or social media, parent organization meetings, and other communications. Outreach to parents shall emphasize the relationship between student health and academic performance. Parents shall be encouraged to be involved in school-based wellness activities including, but not limited to, membership on the school health council and participation in the development, implementation and periodic review and update of the student wellness policy. (See CSBA's BP 5030 - Student Wellness.)

**Guidelines for the report**

Describe the types of wellness-related communications sent to parents. Also report on the involvement of parents on the school health council or in school-based wellness activities.

**Data source**

Review district and school communications/notifications to parents. Information about parent involvement in wellness activities may be obtained from school administrators and/or membership rosters of school health councils.

**Professional development and qualifications**
**Related board policy/legal requirement**

The district shall employ highly qualified, credentialed individuals to teach health education and physical education. Activity supervisors shall obtain an Activity Supervisor Clearance Certificate or other criminal background check in accordance with law. (See CSBA's BP/AR 1240 - Volunteer Assistance, BP/AR 4112.2 - Certification and BP 4127/4227/4327 - Temporary Athletic Team Coaches.)

Professional development shall be regularly offered to teachers, coaches, food services staff and other appropriate staff to enhance the skills needed to provide effective child nutrition and physical activity programs.

**Guidelines for the report**

Summarize qualifications of health education and physical education teachers, activity supervisors and other relevant staff. Report on professional development opportunities provided in the current year related to child nutrition and/or physical activity programs and the number of participants.

**Data source**

Contact the district's human resources department and/or other district designee to obtain information about professional qualifications of district staff. Also contact appropriate district personnel or review staff development plans to identify professional development opportunities conducted during the year and the number of staff participating.

**Staff wellness program**
**Related board policy**

The district encourages staff to serve as positive role models for healthy eating and physical fitness and recognizes that health promotion for staff is a key component of a coordinated school health program. The district may provide opportunities for regular physical activity among employees and may provide information or professional development to assess staff's own health knowledge and skills and promote healthy behaviors. (See CSBA's BP 5030 - Student Wellness.)



### **Guidelines for the report**

Describe district/school strategies for promoting healthy eating and physical fitness among staff. As feasible, report the number of employees participating in work-site wellness programs.

### **Data source**

Contact school administrators and/or school wellness designees to identify activities that are being implemented to promote staff wellness.

## **Bullying prevention**

### **Related board policy**

The district desires to provide positive school environments that promote wellness and self-esteem and avoid stigmatization of students. The district prohibits bullying, harassment, intimidation or discrimination against students, including any such acts that target students on the basis of weight or health condition. The district shall develop and implement clear rules for student conduct and bullying prevention strategies, and shall inform students and parents of such rules, the mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying. (See CSBA's BP 5131 - Conduct, BP 5131.2 - Bullying and BP 5145.3 - Nondiscrimination/Harassment.)

### **Guidelines for report**

State the district's prohibition against bullying, harassment, intimidation or discrimination against students on the basis of weight or health condition. Briefly describe bullying prevention strategies and reporting mechanisms.

### **Data source**

Review district policies and programs related to bullying prevention. In addition, school administrators may be interviewed to obtain insight into successful practices.

## **Availability of health services**

### **Related board policy**

Because good health is critical to a student's ability to learn, the board believes that all students should have access to comprehensive health services. The district may provide access to health services at or near district schools through the establishment of a school health center and/or mobile van(s) that serve multiple campuses. The provision of school health services shall be coordinated with other student wellness initiatives and may include nutrition services, oral health services, mental health services, physical examinations, health promotion and education, and other activities designed to promote student health. Instead of or in addition to school health centers, the

district may identify and provide referrals to community health resources. (See CSBA's BP/AR 5141.6 - School Health Services.)

### **Guidelines for the report**

List the school health services sites available through the district that offer services related to nutrition, physical fitness and/or health conditions that may contribute to or be caused by poor nutrition, lack of physical activity, overweight or obesity. If school-based health services are not available in the district, indicate where students and parents may find referrals to community resources.

### **Data source**

The superintendent or designee can provide a list of school health services sites available through the district. The district wellness designee also may wish to interview staff at those sites and/or school nurses regarding the number of students who seek health services related to nutrition or physical fitness and the types of services/referrals offered by the site.

## III. Nutritional Guidelines for Foods Available at School

*Directions: Each section below is a recommended component of the district's report assessing the implementation of its wellness policy with respect to nutritional guidelines for foods and beverages available on each campus during the school day. As appropriate, related legal requirements or CSBA sample board policies (BP) and/or administrative regulations (AR) are referenced. Read the "Guidelines" and "Data Sources" below for instruction on how to complete each component. See Appendix B for a template showing how the data may be incorporated into the district's report.*

### Food services/child nutrition program

#### Nutrition standards for school meals

##### *Related board policy/legal requirement*

Foods and beverages provided through federally reimbursed school meals programs, and meals provided through any other funding source to students who meet federal eligibility criteria for free and reduced-price meals, shall meet or exceed nutrition standards specified in federal regulations and subsequent guidance. Districts that choose to apply for state funding through the State Meal Program or as an additional reimbursement in the National School Lunch or Breakfast Program also shall meet state nutrition standards pursuant to Education Code 49430.7. (See CSBA's BP/AR 3550 - Food Service/Child Nutrition Program and BP/AR 3553 - Free and Reduced Price Meals.)

**Note:** To implement nutritional guidelines with fidelity, the district may want to consider centralizing the purchase of foods and beverages to ensure approved quality purchases. It is also recommended that the district's food services department have the sole authority to provide foods and beverages from the beginning of the school day until after the last lunch period.

##### *Guidelines for the report*

Provide an assessment of whether schools are implementing and meeting federal and state nutrition standards based on an analysis of a sample of menus and production records.

In addition, at least once every five years, the CDE's Nutrition Services Division conducts administrative reviews (Coordinated Review Efforts) which include a review 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.

##### *Data source*

The district's food services department maintains the menu and production records necessary to ensure compliance with federal nutrition standards. Also check district records for the most recent Coordinated Review Effort.

### Provision of drinking water

##### *Related board policy/legal requirement*

State law (Education Code 38086) requires all California schools to make free drinking water available during school meals, but allows an exemption if the district's governing board adopts a resolution demonstrating that the district is unable to comply due to fiscal constraints or health or safety concerns. Federal law (42 USC 1758) requires all schools participating in the National School Lunch Program, without exception, to make free drinking water available for consumption at locations where meals are served during meal service. (See CSBA's AR 3550 - Food Service/Child Nutrition Program.)

##### *Guidelines for report*

Briefly describe the actions the district is implementing to provide drinking water during meal service (e.g., providing cups and containers of water, seeking donations of bottled water, maintaining water fountains).

If district schools are not subject to this requirement because they do not participate in the National School Lunch Program and the board has adopted a resolution exempting them from the state requirement, describe the reason(s) the board exempted district schools and indicate what actions, if any, are being taken to address the fiscal constraints or health or safety concerns that limit the district's participation.

##### *Data source*

District/school administrators may provide information about methods used to provide drinking water at each school site.

### School meal participation rates

##### *Related board policy/legal requirement*

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's BP/AR 3553 - Free and Reduced Price Meals and BP 3555 - Nutrition Program Compliance.)



### **Guidelines for the report**

Provide data on average daily student participation and total number of meals served through the lunch and/or breakfast program. Report at least two years of participation rates to provide the board with a measure of improvement from year to year.

The report of student participation should include the number and percentage of students participating in the free and reduced-price meal program. It is also recommended that schools compare the percentage of students eligible for this program with actual participation rates.

Describe any creative marketing/promotion activities to improve student participation in school meal programs and the type of breakfast program offered (e.g., cafeteria service, classroom breakfast, “second chance breakfast” offering breakfast during morning recess or snack break).

### **Data source**

Data can be obtained from one of three sources:

- CDE: Complete data files are available at [www.cde.ca.gov/ds/sh/cw/filesafdc.asp](http://www.cde.ca.gov/ds/sh/cw/filesafdc.asp) from the annual free and reduced-price meal program data collection as well as data prior to 2004 for the CalWORKS 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 for students eligible for free and reduced-price meals 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 eligible students who have enrolled in the program.
- District records: Each district submits its school meal participation data to the CDE directly. Therefore, the district’s food services department should also be able to provide these data.

Appendix A provides a worksheet to summarize the information.

### **Summer meal program**

**Note:** The following section is for use by districts that have been approved by the CDE to operate a federally funded Seamless Summer Feeding Option or Summer Food Service Program.

### **Related board policy/legal requirement**

The district operates a summer meal and/or snack program as approved by the CDE in order to help students and other children residing in the community remain well nourished throughout the summer vacation and/or during an extended break in a year-round

schedule. Meals and snacks offered through this program shall meet federal nutrition standards for the Seamless Summer Feeding Option or Summer Food Service Program, as applicable. The superintendent or designee shall develop outreach strategies to notify the community about the availability of summer meal service. (See CSBA’s BP/AR 3552 - Summer Meal Program.)

### **Guidelines for the report**

List site(s) within the district at which summer meal service is available. For the most recent summer period, report the number of meals served at each site. If available, summarize feedback from participating children and their parents regarding menus and service. Also report the extent to which the meals served complied with nutrition standards applicable to the district’s program.

### **Data source**

District personnel maintain records of all summer meals served in order to submit reimbursement claims to the CDE. These records may be used to provide a total count of meals served.

Conduct a nutrient analysis of summer meals using a sampling of menus and production records and determine the extent to which the summer meals comply with federal nutrition standards.

### **Foods provided in child care, preschool or before/after school programs**

#### **Related board policy/legal requirement**

In accordance with law, if the district offers a child care and development and/or preschool program, it shall include a nutrition component which ensures that participating children have nutritious meals, beverages and/or snacks that meet state and federal standards. If the district offers snacks or meals in an after-school program funded through the After School Education and Safety program or 21st Century Community Learning Center program, such foods must conform to state and/or federal nutrition standards as applicable. A before-school program funded through these sources must offer a breakfast meal. (See CSBA’s AR 5148 - Child Care and Development, 5148.2 - Before/After School Programs and BP 5148.3 - Preschool/Early Childhood Education.)

### **Guidelines for report**

For each applicable program offered by the district, describe what types of meals and/or snacks are provided. Also describe what efforts are taken to ensure that such meals/snacks comply with nutrition standards and the results of any such analyses.

### **Data source**

District personnel maintain records of snacks/meals served in order to submit reimbursement claims to the CDE. These records may be used to provide a total count of meals served.

Conduct a nutrient analysis of snacks/meals using a sampling of menus and production records and determine the extent to which the snacks/meals comply with federal nutrition standards.

## **Cafeteria and food preparation facilities**

### ***Related board policy/legal requirement***

School cafeterias and food preparation facilities shall comply with the sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437. All food facilities must be inspected by the county environmental health agency in accordance with the timelines and procedures established in county regulations. Notwithstanding county regulations, any district participating in the National School Lunch and/or Breakfast Program must obtain at least two safety inspections per school year and make the results available to any interested person upon request. In addition to the county inspections, the superintendent or designee should periodically review the adequacy of school facilities for eating and food preparation. (See CSBA's BP/AR 3550 - Food Service/Child Nutrition Program.)

### ***Guidelines for the report***

Indicate how often inspections of district food facilities are conducted by the county environmental health agency and where the results of the latest inspection report may be obtained. The district also may summarize the results of the most recent inspection report.

Determine the number of school cafeteria facilities that will be audited by the superintendent or designee for the current school year. 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).

### ***Data source***

Inspection reports from the county environmental health agency should be retained by the superintendent or designee.

For district audits conducted by the superintendent or designee, a standard walk-through form should be used to collect findings at each school observed. A suggested audit form is included in Appendix A and can be modified to reflect district practice. Data from all completed audit forms should be compiled into the summary worksheet.

## **Other food sales**

### **Nutrition standards for outside food sales**

### ***Related board policy/legal requirement***

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 food sales not

conducted through the food services department (e.g., sales through vending machines, in student stores and on school premises by student and/or adult organizations) are subject to state law regarding nutrition standards, time and location of the sale, and other conditions. (See CSBA's BP/AR 3554 - Other Food Sales.)

### ***Guidelines for the 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 nutritional guidelines and other requirements.

### ***Data source***

Periodically review all purchase requests or contracts from each food service venue from each school. Use the Other Food Sales Review worksheets located in Appendix A to summarize the purchase requests or contracts for each school. A worksheet is provided for each non-food service venue (student store, vending machines and student/adult organizations).

## **Contracts**

### ***Related board policy/legal requirement***

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 nutrition 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. As the district reviews contracts, it shall consider whether existing business partnerships or contracts require the district to advertise as a condition of receiving funds, products, materials or equipment and whether such advertisement aligns with district policy pertaining to advertisements aimed at students. (See CSBA's BP 3312 - Contracts and BP/AR 3554 - Other Food Sales.)

### ***Guidelines for the report***

Identify all active school and/or district contract obligations for the sale of foods and beverages and determine whether the contracts are compliant with federal and state nutrition standards, when they expire, and which contracts will need to be renegotiated.

### ***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 worksheet provided in Appendix A.



## IV. Resources

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

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### California School Boards Association

[www.csba.org](http://www.csba.org)

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide*

*Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement*

*School Wellness Policy Development, Implementation and Evaluation*, Research Report

*Nutrition Standards for Schools: Implications for Student Wellness*, Policy Brief

*Expanding School Breakfast Programs to Improve Student Learning*, Policy Brief

*Providing Access to Nutritious Meals During Summer*, Policy Brief

*Food Safety Requirements*, Fact Sheet

*School-Based Marketing of Foods and Beverages: Policy Implications for School Boards*, Policy Brief

*Physical Education and California Schools*, Policy Brief

*Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes*, Fact Sheet

*Active Bodies, Active Minds: Physical Activity and Academic Achievement*, Fact Sheet

*Maximizing Opportunities for Physical Activity During the School Day*, Fact Sheet

*Maximizing Opportunities for Physical Activity Through Joint Use of Facilities*, Policy Brief

*Safe Routes to School: Program and Policy Strategies*, Policy Brief

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### Action for Healthy Kids

[www.actionforhealthykids.org](http://www.actionforhealthykids.org)

*Eight-Step Wellness Policy Tool*

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### Alliance for a Healthier Generation

[www.healthiergeneration.org](http://www.healthiergeneration.org)

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### American Alliance for Health, Physical Education, Recreation and Dance

[www.aahperd.org](http://www.aahperd.org)

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### American Cancer Society

[www.cancer.org](http://www.cancer.org)

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### California After School Network

[www.afterschoolnetwork.org](http://www.afterschoolnetwork.org)

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### California Center for Public Health Advocacy

[www.publichealthadvocacy.org](http://www.publichealthadvocacy.org)

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### California Center for Research on Women and Families, Public Health Institute

[www.ccrwf.org](http://www.ccrwf.org)

*Primer Key Issue: Local School Wellness Policies* (in *Understanding Nutrition: A Primer on Programs and Policies in California*)

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### California Department of Education

[www.cde.ca.gov](http://www.cde.ca.gov)

Nutrition Services Division: [www.cde.ca.gov/ls/nu](http://www.cde.ca.gov/ls/nu)

Physical Education: [www.cde.ca.gov/ci/pe](http://www.cde.ca.gov/ci/pe)

*Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve*

*Health Framework for California Public Schools: Kindergarten Through Grade Twelve*

*Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade Twelve*

*Physical Education Framework for California Public Schools: Kindergarten Through Grade Twelve*

*Nutrition Education Resource Guide for California Public Schools: Kindergarten Through Grade Twelve*

*School Nutrition . . . By Design!*

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

*Taking Action for Healthy School Environments: Linking Education, Activity and Food in California Secondary Schools*

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### California Department of Public Health, Network for a Healthy California

[www.cdph.ca.gov/programs/CPNS](http://www.cdph.ca.gov/programs/CPNS)

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### California Food Policy Advocates

[www.cfpa.net](http://www.cfpa.net)

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### California Healthy Kids Resource Center

[www.californiahealthykids.org](http://www.californiahealthykids.org)

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### California Interscholastic Federation

[www.cifstate.org](http://www.cifstate.org)

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**California Project LEAN (Leaders Encouraging Activity and Nutrition)**

[www.californiaprojectlean.org](http://www.californiaprojectlean.org)

*Policy in Action: A Guide to Implementing Your Local School Wellness Policy*

*Parents in Action: A Guide to Engaging Parents in Local School Wellness Policy*

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**CANFIT (Communities, Adolescents, Nutrition and Fitness)**

[www.canfit.org](http://www.canfit.org)

*Healthy Snack Guide for Your After School Program*

*Active8: CANFIT's 8-Step Physical Activity Guide for Adolescent Youth in After School and Community-Based Programs*

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**Centers for Disease Control and Prevention**

[www.cdc.gov](http://www.cdc.gov)

*School Health Index (SHI): Self-Assessment and Planning Guide*

*School Health Guidelines to Promote Healthy Eating and Physical Activity*

*Making It Happen! School Nutrition Success Stories*

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**ChangeLab Solutions (formerly Public Health Law & Policy)**

[www.changelabsolutions.org](http://www.changelabsolutions.org)

*How to Enforce a Wellness Policy: A Guide for Parents and Community Advocates*

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**Dairy Council of California**

[www.dairycouncilofca.org](http://www.dairycouncilofca.org)

Offers balanced nutrition education programs and resources, free of charge, for schools, health professionals' offices and workplace wellness programs.

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**Food Resource Action Center**

[www.frac.org](http://www.frac.org)

*School Wellness Policy and Practice: Meeting the Needs of Low-Income Students*

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**Joint Use Statewide Task Force**

[www.jointuse.org](http://www.jointuse.org)

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**Kaiser Permanente**

<https://healthy.kaiserpermanente.org>

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**kidsdata.org**

[www.kidsdata.org](http://www.kidsdata.org)

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**National Center for Safe Routes to School**

[www.saferoutesinfo.org](http://www.saferoutesinfo.org)

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**National Farm to School Network**

[www.farmtoschool.org](http://www.farmtoschool.org)

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**National School Boards Association, School Health**

[www.nsba.org/Board-Leadership/SchoolHealth](http://www.nsba.org/Board-Leadership/SchoolHealth)

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**School Nutrition Association**

[www.schoolnutrition.org](http://www.schoolnutrition.org)

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**The California Endowment**

<http://calendow.org>

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**United States Department of Agriculture**

Food Nutrition Service: [www.fns.usda.gov/fns](http://www.fns.usda.gov/fns)

Team Nutrition: [www.teamnutrition.usda.gov](http://www.teamnutrition.usda.gov)

*Dietary Guidelines for Americans*

*Empowering Youth with Nutrition and Physical Activity*

*Changing the Scene--Improving the School Nutrition Environment*

*HealthierUS School Challenge*

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**University of California Davis Center for Nutrition in Schools**

<http://cns.ucdavis.edu>

*School and Community Actions for Nutrition (SCAN) Survey*

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**Yale Rudd Center for Food Policy and Obesity**

<http://yaleruddcenter.org>

*WellSAT: Wellness School Assessment Tool*



**Wellness Policy Data Collection Matrix**

<b>Data</b>	<b>Data availability</b>	<b>Source/Location</b>	<b>Data collection</b>	<b>Person/ Dept. responsible</b>	<b>Submit to district designee</b>
<b>Number of physical education minutes per 10 school days</b>	Any time  Every 4 years	District data  Federal Program Monitoring (FPM): Physical education instructional minutes report	Any time  When FPM conducted	Site or district designee	
<b>FITNESSGRAM® results</b>	June  Sept.-Oct.  Nov.	District data  San Joaquin County Office of Education <a href="http://www.pftdata.org/district">www.pftdata.org/district</a>  CDE Data Quest <a href="http://data1.cde.ca.gov/dataquest">data1.cde.ca.gov/dataquest</a>	Feb.-May	Physical Fitness Test Coordinator or other designee	May
<b>High school interscholastic participation</b>	Every two years	California Interscholastic Federation survey <a href="http://www.cifstate.org">www.cifstate.org</a>		Site designee	
<b>Analysis of nutritional content of meals served</b>	Any time	Sample of school menus and production records		Food Services Department	
<b>State review of district compliance with nutritional standards</b>	Every five years	CDE Coordinated Review Effort (CRE) report	When conducted	Food Services Department	
<b>School meal program participation</b>	Annually	CDE Data Quest free and reduced-price meals data <a href="http://data1.cde.ca.gov/dataquest">data1.cde.ca.gov/dataquest</a>	Fall	District designee	
	Annually	CDE free and reduced-price meals data and CalWORKS data prior to 2004 <a href="http://www.cde.ca.gov/ds/sh/cw/filesafdc.asp">www.cde.ca.gov/ds/sh/cw/filesafdc.asp</a>	Jan.	District designee	
	Any time	District data		Food Services Department	
<b>Random cafeteria audits</b>	Any time	Audit form provided by district designee	Fall/Winter/Spring	District or school designee	x date/x date/x date
<b>Student store sales</b>	Any time	Site sales receipts	July (for previous year)		
<b>Vending machine sales</b>	Any time	Vendor contract/purchase requests	July (for previous year)		

### Moderate to Vigorous Physical Activity

**Directions:** For each grade level at your school, observe and estimate the amount of moderate to vigorous physical activity (MVPA) in physical education classes on five separate occasions or in five separate classes. Enter the estimated percentage below. Also observe and estimate the amount of MVPA in other programs offered at the school, such as before- or after-school programs or summer learning opportunities.

School \_\_\_\_\_ Date \_\_\_\_\_

Completed by (Name/Title) \_\_\_\_\_

Return to (person/department) \_\_\_\_\_ by (Date) \_\_\_\_\_

### % Moderate to Vigorous Physical Activity

	Observation 1	Observation 2	Observation 3	Observation 4	Observation 5	Average %
<b>Elementary</b>						
Grade 1						
Grade 2						
Grade 3						
Grade 4						
Grade 5						
<b>Middle</b>						
Grade 6						
Grade 7						
Grade 8						
<b>High school</b>						
Grade 9						
Grade 10						
Grade 11						
Grade 12						
<b>Other programs:</b>						
Before-school program						
After-school program						
Summer learning program						

**District Summary:** Based on the above information from each school site, the district should calculate the average percentage of moderate to vigorous physical activity across each grade spans (i.e., for all elementary schools, all middle schools and all high schools). Any notable differences in MVPA for individual school sites or grade levels should also be noted.

### Physical Education Exemptions

Directions: For your school during the current school year, please record the number of exemptions granted in each category.

School \_\_\_\_\_ Date \_\_\_\_\_

Completed by (Name/Title) \_\_\_\_\_

Return to (person/department) \_\_\_\_\_ by (Date) \_\_\_\_\_

Type of Exemption	Number of Exemptions
<b>Two-Year</b>	
<i>Student is in grades 10-12 and has passed at least five of six standards on the state fitness test.</i>	
<b>Permanent</b>	
<i>Student is 16 years or older and has been in grade 10 for more than one academic year</i>	
<i>Student is enrolled as a postgraduate student</i>	
<i>Student is enrolled in a juvenile home, ranch, camp or forestry camp with scheduled recreation and exercise</i>	
<b>Other</b>	
<i>Student is in high school and engaged in a school-sponsored interscholastic athletic program conducted wholly or partially after school hours</i>	
<i>Student is in grades 10-12 attending a regional occupational center/program and attendance in physical education courses would result in hardship because of the travel time involved</i>	
<b>Total:</b>	

**District Summary:** Based on the above information from each school site, the district should determine the number of exemptions of each type and the total number of exemptions districtwide.

## FITNESSGRAM® Results

Directions: The following chart may be used by the district wellness designee to summarize the FITNESSGRAM® results from the current and previous school year for grades 5, 7 and 9 and across all grade levels in the district.

### % in Healthy Fitness Zone (HFZ)

Physical fitness area	Grade 5		Grade 7		Grade 9		All grade levels combined		County average		Statewide average	
	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]
Aerobic capacity												
Body composition												
Abdominal strength												
Trunk extension strength												
Upper body strength												
Flexibility												

### % Achieved

Number of fitness standards achieved in HFZ	Grade 5		Grade 7		Grade 9		All grade levels combined	
	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]
6 of 6								
5 of 6								
4 of 6								
3 of 6								
2 of 6								
1 of 6								
0 of 6								





## School Meal Participation

Directions: Use the following charts to summarize data on student participation in the school lunch, school breakfast, summer meal and/or before-school or after-school snack/meal program for the current and previous school years.

### School Lunch Program

	Elementary [Year] [Year]		Middle [Year] [Year]		High [Year] [Year]		District Totals [Year] [Year]	
ADA								
Average daily participation in school lunch								
Total lunches served								
<b>Free lunches served</b>								
Number								
% of total served								
% of ADA eligible for free meal								
<b>Reduced-price lunches served</b>								
Number								
% of total served								
% of ADA eligible for reduced-price meal								
<b>Paid lunches served</b>								
Number								
% of total served								

### School Breakfast Program

	Elementary [Year] [Year]		Middle [Year] [Year]		High [Year] [Year]		District Totals [Year] [Year]	
ADA								
Average daily participation in school breakfast								
Total breakfasts served								
<b>Free breakfasts served</b>								
Number								
% of total served								
% of ADA eligible for free meal								
<b>Reduced-price breakfasts served</b>								
Number								
% of total served								
% of ADA eligible for reduced-price meal								
<b>Paid breakfasts served</b>								
Number								
% of total served								

**School Meal Participation (continued)**
**Summer Meal Program**

	<i>Totals</i>	
	<i>[Year]</i>	<i>[Year]</i>
Number of summer meal sites		
<b>Breakfasts</b>		
Total served		
Average daily participation		
<b>Snacks</b>		
Total served		
Average daily participation		
<b>Lunches/suppers</b>		
Total served		
Average daily participation		

**Before-School or After-School Snack/Meal Program**

	<i>Totals</i>	
	<i>[Year]</i>	<i>[Year]</i>
<b>Before-school programs</b>		
Number of programs		
Total number of breakfasts served		
Average daily participation		
<b>After-school programs</b>		
Number of programs		
Total number of snacks served		
Average daily participation in snacks		
Total number of meals served		
Average daily participation in meals		

## Audit of School Cafeterias and Food Preparation Facilities

---

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.

- 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 meals 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:













## Appendix B—Template for the Policy Implementation Report

The following provides a sample format for district staff and/or the school health council to use when reporting on the implementation of the district's student wellness policy to the governing board and the community. As the district completes the report, text or data need to be inserted wherever brackets [ ] appear. See Chapters II and III of this guide for instructions for completing each component of this report. The report should be adapted to reflect the agreed-upon indicators that will be used to measure implementation districtwide and in each district school.

Title page

*[District Name]*

# Student Wellness Policy Implementation Report

*[Date]*

Prepared by:

*[Name(s), Title(s)]*

## Executive summary

Federal law (42 USC 1758b) requires that any district participating in the National School Lunch or Breakfast Program or any other federally funded child nutrition program adopt a student wellness policy that 1) includes goals for nutrition promotion and education and physical activity and 2) ensures that foods and beverages available on each campus during the school day are consistent with federal nutrition standards, promote student health and reduce childhood obesity.

With the involvement of key stakeholders, the *[district name]* developed and the Board of Education adopted a student wellness policy, Board Policy *[number]*, in *[month/year]*. This report examines the status and effectiveness of the implementation of that policy. Major findings and recommendations are summarized below.

### **Goals for Nutrition, Physical Activity and Other Wellness Activities**

*[Restate major findings and recommendations from Section III "Summary of Findings and Recommendations.]"*

### **Nutritional Guidelines for Foods Available at School**

*[Restate major findings and recommendations from Section III "Summary of Findings and Recommendations.]"*



## Background

Federal law (42 USC 1758b) requires that any district participating in the National School Lunch or Breakfast Program or any other federally funded child nutrition program adopt a student wellness policy that 1) includes goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness and 2) ensures that foods and beverages available on each campus during the school day are consistent with federal nutrition standards, promote student health and reduce childhood obesity.

With the involvement of key stakeholders, the *[district name]* developed and the Board of Education adopted a student wellness policy, Board Policy *[number]*, in *[month/year]*. The district's student wellness policy includes a plan for monitoring the implementation of the policy and indicators that will be used to measure district progress. Policy implementation shall be assessed *[how often, e.g., every two years]*.

### Purpose of report

The purpose of this report is to inform the Board and the public of the implementation and outcomes of the district's student wellness policy. This report may be used to determine needed adjustments to policy and practice.

### How this report is compiled

Federal law requires the designation of one or more district or school employees to ensure that each school site complies with the district's student wellness policy. *[Name, title, department]* serves as the district wellness designee. The district wellness designee was responsible for collecting all data required from each school wellness designee and preparing this implementation report.

The district also welcomes input from parents, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public in the review and update of the wellness policy. *[Note: If the district has a coordinated school health council or committee, indicate its role in the implementation and monitoring of the wellness policy, its contributions to the findings within this report, its composition, charge, and frequency of meetings.]*

### Organization of the report

The two major sections of this report reflect the major components of the student wellness policy. Section I focuses on goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. Section II focuses on nutritional guidelines for foods and beverages available on each campus during the school day. The final section summarizes the findings and provides recommendations to the Board.

# I. Goals for Nutrition, Physical Activity and Other Wellness Activities

The district's goals are to promote healthy eating among students, provide a high-quality nutrition education program, provide opportunity for physical activity, and support student wellness through other school-based activities. This section describes the district's implementation of these goals.

## Nutrition

### Nutrition education program

*[Briefly describe the district's curriculum for nutrition education. For example:]* Nutrition education is provided as part of the health education program in grades *[list grades]* to foster and promote health literacy. Students are expected to comprehend a set of core health concepts and develop skills that apply that knowledge in their own personal behavior and environment. The district provides a planned, sequential, research-based and age-appropriate curriculum that is aligned with the *Health Education Standards for California Schools: Kindergarten Grade Twelve* as adopted by the State Board of Education and with additional nutrition competencies identified by the California Department of Education. The basic components of the district's nutrition education program include the following: *[list program components for elementary, middle and/or high school]*

*[Number]* schools maintain school gardens to support nutrition education programs and increase the availability of fresh fruits and vegetables for student consumption.

### Nutrition promotion activities

*[Briefly describe the district's nutrition promotion activities. For example:]* District policy 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, free give-aways or other means. In addition, the district encourages school staff to avoid the use of non-nutritious foods as a reward for student performance or behavior. School administrators and/or teachers notify parents, other volunteers and student/adult organizations about the district's wellness policy and encourage the use of nutritious foods or non-food items for class parties, celebrations or fundraisers.

## Physical activity

### Physical education program

*[Briefly describe the district's curriculum for physical education. For example:]* The district's physical education program is a planned, sequential program that helps students develop the knowledge, skills and confidence necessary for an active lifestyle. The curriculum is designed to build interest and proficiency in movement skills and encourage students' lifelong fitness through physical activity. The district's program is aligned with the *Physical Education Model*

*Content Standards for California Schools: Kindergarten Through Grade Twelve* as adopted by the State Board of Education and the corresponding curriculum framework. The basic components of the district's physical education program include the following: *[list program components for elementary, middle and/or high school]*

The district also provides alternative activities for students with disabilities in accordance with their individual education program or Section 504 plan to ensure all students are provided opportunities for physical activity.

Observations of a sampling of physical education classes at each grade level *[by school wellness designees/physical education teachers/other]* indicates:

- For elementary grades, the average amount of class/session time spent in moderate to vigorous physical activity is *[percentage]*.
- For middle grades, the average amount of class/session time spent in moderate to vigorous physical activity is *[percentage]*.
- For high school grades, the average amount of class/session time spent in moderate to vigorous physical activity is *[percentage]*.

*[Percentage]* of elementary schools, *[percentage]* of middle schools and *[percentage]* of high schools offer moderate to vigorous physical activity for at least 50 percent of class/session time.

*[If the district program has recently been reviewed by California Department of Education staff during a Federal Program Monitoring review, briefly describe the findings of that review with regards to offering all required high school program components and/or providing physical education in a coeducational, inclusive manner. For example:]* The findings from the most recent Federal Program Monitoring review by California Department of Education staff conducted in *[year]* indicate that the district's program *[fully/partially]* complies with requirements pertaining to high school physical education components. *[Describe any areas of noncompliance and actions that will be taken to bring the district into compliance.]* In addition, the state review indicates that the district *[fully/partially]* complies with requirements to provide physical education in a coeducational, inclusive manner. *[Describe any areas of noncompliance and actions that will be taken to bring the district into compliance.]*

### Physical education minutes

Education Code establishes the minimum number of instructional minutes in physical education that schools must provide to students at each grade span. Every 10 school days, schools must provide *[insert requirement(s) applicable to grade levels maintained by the district: 200 minutes of physical education for grades 1-6, 400 minutes of physical education for grades 7-12, 200 minutes of physical education for students in grades 7-8 who attend a K-8 elementary school]*.

An analysis of school schedules for the current school year indicates that [number] elementary schools, [number] middle schools and [number] high schools meet or exceed the minimum requirement.

*[Instead of or in addition to the above analysis, if the district program has recently been reviewed by California Department of Education staff during a Federal Program Monitoring review, briefly describe the findings of that review with regards to instructional minutes. For example:]* The findings from the most recent Federal Program Monitoring visit conducted in [year] reveal that [number] elementary schools, [number] middle schools and [number] high schools meet or exceed the minimum instructional minutes required.

*[If the minimum number of instructional minutes was not met for any grade level, describe actions that will be taken to bring the district/school into compliance.]*

### **Physical education exemptions**

Education Code provides for two-year, permanent and other exemptions from physical education for students who meet specified conditions. During the [year] school year, a total of [number] exemptions were granted, including:

- [Number] two-year exemptions for students in grade 10-12 who have passed at least five of the six standards on the state fitness test
- [Number] permanent exemptions for students age 16 years or older who have been enrolled in grade 10 for more than one academic year
- [Number] permanent exemptions for students who are enrolled as postgraduate students
- [Number] permanent exemptions for students enrolled in a juvenile home, ranch, camp or forestry camp school with scheduled recreation and exercise
- [Number] exemptions for high school students engaged in a school-sponsored interscholastic athletic program conducted wholly or partially after school hours
- [Number] exemptions for students in grades 10-12 attending a regional occupational center or program for whom attendance in physical education courses would result in hardship because of the travel time involved

### **Physical fitness testing**

The FITNESSGRAM® is administered from February through May each year in grades 5, 7 and 9. Students are expected to achieve a performance level in the Healthy Fitness Zone (HFZ) in each of the six test components. Table 1 provides two years of physical fitness results. Results show:

- Across all three grade levels, [percentage] of students achieved the HFZ in six out of six fitness areas; [percentage] achieved the HFZ in five out of six areas.

- Grade [grade level] showed the highest number of fitness standards achieved.
- Performance test results indicate an overall [increase/decrease] from the previous year.

*[Describe more specific results where a positive or negative change was indicated.]*

### **Opportunities for physical activity outside the physical education program**

*[Briefly describe opportunities for physical activity provided outside the regular physical education program. For example:]* The district provides a variety of physical activity opportunities in addition to the regular physical education program. Activities vary by grade level but include [select or add activities offered by the district:] recess, school athletic programs, extracurricular programs, opportunities for physical activity in before- or after-school programs or summer school, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks and other structured and unstructured activities.

*[For high school district or unified school district:]* The district participates in the California Interscholastic Federation (CIF) for athletic programs. The most recent CIF report from [year] shows [describe CIF student participation survey results].

### **Safety in physical activity programs**

*[Briefly describe district efforts to ensure student safety in physical education and activity programs. For example:]* To ensure student safety, the district regularly inspects all playgrounds, playing fields, gymnasiums, swimming pools and other facilities used for physical education and activity programs. In addition, all high schools complied with legal requirements to notify student athletes and their parents regarding concussions and head injuries. Professional development pertaining to injury prevention and response is provided to physical education teachers, coaches and supervisors of activity programs.

### **Use of school facilities outside of school hours**

*[Briefly describe any joint use agreements or policies for the use of school facilities for purposes related to recreation or physical activity. For example:]* The district endeavors to make school facilities and open spaces 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 are also made available to community agencies and organizations that offer sports or other physical activity programs. In the [year] school year, the district had [number] joint use agreements with a variety of organizations: [list].

**Table 1. FITNESSGRAM Results**

**% in Healthy Fitness Zone (HFZ)**

Physical fitness area	Grade 5		Grade 7		Grade 9		All grade levels combined		County average		Statewide average	
	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]
Aerobic capacity												
Body composition												
Abdominal strength												
Trunk extension strength												
Upper body strength												
Flexibility												

**% Achieved**

Number of fitness standards achieved in HFZ	Grade 5		Grade 7		Grade 9		All grade levels combined	
	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]	[Year]
6 of 6								
5 of 6								
4 of 6								
3 of 6								
2 of 6								
1 of 6								
0 of 6								



## Other school-based wellness activities

### Parent education and involvement

*[Briefly describe the types of wellness-related communications sent to parents. For example:]* Board policy encourages district and school staff to provide health information to parents through a variety of methods and to encourage parental involvement in supporting the district's goals for nutrition and physical activity. Examples of information provided to parents include *[list the wellness-related topics addressed in communications to parents, such as the importance of a healthy breakfast, the availability of the free and reduced-price meal program, the negative correlation between excessive television viewing and sedentary behavior.]* Currently parents participate on school health councils in *[number]* schools.

### Professional development and qualifications

*[Briefly describe the qualifications of health education and physical education teachers, activity supervisors and other relevant staff. For example:]* *[Percent]* of health education and physical education teachers in the district possess the appropriate credential and may be assisted by instructional aides, paraprofessionals or volunteers. During the current year, professional development opportunities were offered to *[categories of personnel]* covering the following subjects: *[list]*

### Staff wellness program

*[Briefly describe district/school activities that promote staff wellness. For example:]* The district encourages staff to serve as positive role models for healthy eating and physical fitness and has implemented strategies to promote staff wellness. Examples of work-site wellness activities include *[list]*. District-wide, an estimated *[number]* employees participated in work-site wellness activities.

### Bullying prevention

*[Briefly describe district policy(ies) and practices in place to prevent bullying of students on the basis of weight or health condition. For example:]* District policy prohibits bullying, harassment, intimidation and discrimination of students, including any such acts targeting students on the basis of weight or health condition. Students are annually notified of school rules for student conduct through student handbooks, school assemblies and/or other means. Students are encouraged to notify school staff when they observe or are the victim of bullying. Such reports may be done anonymously by *[describe anonymous reporting mechanisms.]* Reports of bullying shall be promptly investigated and may result in discipline for student perpetrators in accordance with district policy.

## Availability of health services

*[Describe health services available in the district or community that support the district's wellness goals. For example:]* The district provides access to health services at or near district schools in order to promote students' physical and mental health and therefore enhance academic achievement. School health services are located at *[list locations]* and *[number]* schools have access to the services of a school nurse. In addition, the district maintains a list of health resources available in the community. That list is available in the district office and at each school office. *[If known, report the number of students seeking health services related to nutrition, physical fitness or related conditions. For example:]* An average of *[number]* students used school health services in *[school year]* for information, prevention or treatment related to nutrition, physical fitness or related conditions.

## II. Nutritional Guidelines for Foods Available at School

Nutrition standards adopted by the district for all foods and beverages sold to students, including foods and beverages through the district's food services program, student stores, vending machines, fundraisers or other venues, shall meet or exceed state and federal nutrition standards. Nutrition standards are detailed in district policy BP/AR 3550 - Food Service/Child Nutrition Program, BP/AR 3554 - Other Food Sales and BP 3312 - Contracts.

### Food services/child nutrition program

*[Briefly describe the district's goals for the food services program. For example:]* The foods and beverages available through the district's food services program are carefully selected so as to contribute to students' nutritional well-being and the prevention of disease. The program endeavors to 1) prepare foods in ways that will appeal to students, 2) foster lifelong healthful eating habits, 3) serve age-appropriate portions and 4) sell meals at reasonable prices.

### Nutrition standards for school meals

*[Describe the district/school process for purchasing foods and beverages that meet state and federal nutritional guidelines. For example:]* To ensure compliance with federal and state nutrition standards, all purchases of foods and beverages for school lunches and breakfasts are centralized with the district's food services department. Schools use whole, fresh, unprocessed foods and ingredients whenever possible and offer fresh fruits and vegetables with each meal or snack whenever possible.

A sampling of menus and production records of *[number]* schools across all grade levels in the current school year indicates that *[percentage]* of elementary schools, *[percentage]* of middle schools and *[percentage]* of high schools served foods and beverages that meet federal and state nutritional standards.

In addition, at least once every five years, the Nutrition Services Division of the California Department of Education reviews one week of district menus to determine compliance with nutritional requirements for the National School Lunch Program. The district's last review was conducted in *[year]* for grades *[grades]*. Findings indicated that: *[Report targets that were met/not met/exceeded.]*

### Provision of drinking water

*[Briefly describe actions that the district is implementing to provide free drinking water during meal service in accordance with federal and state law. For example:]* Federal and state law require the district to make free drinking water available during school meal service. Implementation of this requirement may vary across school sites, but includes provision of cups and containers of water and regular inspection of water fountains to ensure they are clean and operational.

*[If district schools are not subject to the federal or state requirement to provide drinking water, explain the reason(s). For example:]* District schools that do not participate in the National School Lunch Program are not subject to this requirement and have also

been exempted from state requirements by the Board on the basis of *[fiscal constraints/health or safety concerns]*. *[Describe actions the district is taking in order to resolve these constraints or concerns so that schools may participate in the future.]*

### School meal participation rates

*[Briefly describe the district's goals for student participation in the school meals program. For example:]* The district's goal is to encourage student participation in the district's food services program, including meals that receive reimbursement from the National School Lunch and/or Breakfast Program and meals that are provided free or at a reduced price to eligible students. The district's plan for providing free and reduced-price meals ensures that student participation is confidential and the program is available in a manner which does not overtly identify participants. The number and percentage of students participating in the district's food services program have *[increased/decreased/maintained a constant rate]* from *[year]* to *[year]* as indicated in Table 2 below.

**Table 2. School Meal Participation Rates**

	School Lunch		School Breakfast	
	[Year]	[Year]	[Year]	[Year]
Average daily participation				
Total number of meals served				
Free meals as % of total				
% of ADA eligible for free meals				
Reduced-price meals as % of total				
% of ADA eligible for reduced-price meals				
Paid meals as % of total				

### Summer meal program

*[If the district has an approved agreement with the CDE to operate a Seamless Summer Feeding Option or Summer Food Service Program, briefly describe program goals. For example:]* The district operates a summer meal and/or snack program as approved by the CDE in order to help students and other children residing in the community remain well nourished throughout the summer vacation and/or during an extended break in a year-round schedule.

For summer *[year]*, the district operated a meal service at *[list sites]*. The total number of meals served during the summer was *[number]*, for an average of *[number]* meals per day of operation.



A sampling of menus and production records during the summer meal service indicates that *[percentage]* of meals served met applicable federal nutrition standards.

### **Foods provided in child care, preschool or before/after-school programs**

Meals and snacks offered through the district's *[list applicable programs: before-school, after-school, preschool and child care and development programs]* are subject to state and/or federal nutrition standards. *[Describe efforts taken to ensure compliance. For example:]* To ensure compliance, all purchases of foods and beverages for these programs are centralized with the district's food services department.

An analysis of foods and beverages served in these programs over *[time period studied]* indicates:

- *[Percentage]* of meals/snacks served in the district's before- and after-school programs complied with applicable nutrition standards.
- *[Percentage]* of meals/snacks served in the district's preschool programs complied with applicable nutrition standards.
- *[Percentage]* of meals/snacks served in the district's child care and development programs complied with applicable nutrition standards.

### **Cafeteria and food preparation facilities**

District food facilities are regularly inspected by the county environmental health agency to ensure compliance with the sanitation and safety requirements of the California Retail Food Code (Health and Safety Code 113700-114437). The most recent inspection was conducted *[date]* and the report is available upon request at *[location]*. *[Briefly describe the findings of the county inspection report.]*

In addition, the adequacy of school facilities for student dining and food preparation is reviewed *[how often]* by *[district position/department]*. *[Describe audit process and objectives measured.]*

Of the *[number]* audits conducted during the *[year(s)]* school year(s), *[number/percent]* schools met *[number]* of *[number]* objectives. On average:

- Elementary schools met *[number]* objectives.
- Middle schools met *[number]* objectives.
- High schools met *[number]* objectives.

*[If any objectives were not met, list which ones, the reasons provided, and corrective actions that will be taken.]*

### **Other food sales**

Districts participating in the National School Lunch or Breakfast Program are required to establish rules or regulations to control the sale of food in competition with the district's food services program. Any food sales conducted outside the food services program must meet nutritional standards specified in law, board

policy and administrative regulation and must not reduce participation in the district's food service program. This policy governs foods and beverages sold through vending machines, student stores, and fundraisers by student and/or adult organizations.

### **Nutrition standards for outside food sales**

*[From each of the Other Food Sales Review worksheets completed (see Appendix A), summarize the following:]* An analysis of foods and beverages sold outside of the district's food services program indicates:

There are *[number]* student stores in the following district schools: *[list]*

Of these, *[number]* student stores sell compliant foods and beverages.

If student stores are not compliant, the following actions will be taken: *[describe]*

There are *[number]* vending machines in district schools, placed at the following locations: *[list]*

Of these, *[number]* vending machines are stocked with compliant foods and beverages.

If vending machines are not compliant, the following actions will be taken: *[describe]*

Of sales conducted by student/adult organizations, *[number]* sold compliant foods or beverages; *[number]* sold noncompliant foods or beverages.

If student/adult organizations are not compliant, the following actions will be taken: *[describe]*

### **Contracts**

*[Summarize district policy and law. For example:]* The district or a district school shall not enter into or renew a contract for the sale of foods and beverages that do not meet the nutrition standards specified in law 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.

The district has *[number]* active contracts for the sale of foods. Of these, *[number]* are in compliance with state nutritional guidelines. For those not in compliance, *[describe reason for non-compliance (e.g., sales are conducted only after school hours and/or off school premises) and/or course of action (e.g., are being cancelled or renegotiated at the end of the term of the contract)].*

The district has *[number]* active contracts for the sale of beverages. Of these, *[number]* are in compliance with state nutritional guidelines. For those not in compliance, *[describe reason for non-compliance (e.g., sales are conducted only after school hours and/or off school premises) and/or course of action (e.g., are being cancelled or renegotiated at the end of the term of the contract)].*

## III. Summary of Findings and Recommendations

The major findings of each section in this report are briefly described below. Where there were noticeable gaps in policy implementation, recommendations are provided for the board's consideration.

### **Goals for nutrition, physical activity and other wellness activities**

#### *Findings*

Overall, the district's nutrition, physical activity and other wellness programs and activities:

*[For each subsection, note at least one highlight and at least one gap, if any. For instance, does the district provide a comprehensive nutrition education program and physical education program? Do physical fitness test results support the district's efforts?]*

#### *Recommendations*

*[For each gap listed above, identify a next step or course of action. Describe the issue, the recommendation, how the recommendation was determined and actions that will be taken to implement.]*

### **Nutritional guidelines for foods available at school**

Overall, the foods and beverages available on school campuses:

*[For each subsection, note at least one highlight and at least one gap, if any. For instance, does the district provide foods and beverages that comply with the nutritional guidelines in all food venues? Are meals nutritionally adequate and appealing to students? How do participation rates support this finding? Have school meal program rates increased or declined? Are free and reduced-price meals available in a manner that does not overtly identify participants?]*

#### *Recommendations*

*[For each gap listed above, identify a next step or course of action. Describe the issue, the recommendation, how the recommendation was determined and actions that will be taken to implement.]*



## Appendix C—CSBA Sample Board Policies

CSBA provides sample board policies and administrative regulations on a wide range of topics including many that are related to student wellness. These samples are developed by a team of CSBA staff, reviewed by legal counsel, and distributed to client districts for their consideration. Districts are encouraged to tailor the policies to meet their own needs and circumstances.

The following sample board policies and regulations are included in this appendix:

*BP 0200 - Goals for the School District*  
*BP 1330.1 - Joint Use Agreements*  
*BP 3312 - Contracts*  
*BP/AR 3550 - Food Service/Child Nutrition Program*  
*BP/AR 3552 - Summer Meal Program*  
*BP/AR 3553 - Free and Reduced Price Meals*  
*BP/AR 3554 - Other Food Sales*  
*BP 3555 - Nutrition Program Compliance*  
*BP 5030 - Student Wellness*  
*BP/AR 5142.2 - Safe Routes to School Program*  
*BP/AR 6142.7 - Physical Education and Activity*  
*BP/AR 6142.8 - Comprehensive Health Education*

Other policies and administrative regulations that districts might want to review and align with their student wellness policies include, but are not limited to:

*BP/AR 1240 - Volunteer Assistance*  
*BP 1325 - Advertising and Promotion*  
*BP/AR 1330 - Use of School Facilities*  
*BP/AR 3551 - Food Service Operations/Cafeteria Fund*  
*BP/AR 4112.2 - Certification*  
*BP/AR 4127/4227/4327 - Temporary Athletic Team Coaches*  
*BP 5131 - Conduct*  
*BP 5131.2 - Bullying*  
*BP/AR 5141.27 - Food Allergies/Special Dietary Needs*  
*BP/AR 5141.6 - School Health Services*

*BP 5141.7 - Sun Safety*  
*BP/AR 5142 - Safety*  
*BP 5145.3 - Nondiscrimination/Harassment*  
*BP/AR 5148 - Child Care and Development*  
*BP/AR 5148.2 - Before/After School Programs*  
*BP/AR 5148.3 - Preschool/Early Childhood Education*  
*BP/AR 6145.2 - Athletic Competition*

To learn more about CSBA's policy services, see [www.csba.org](http://www.csba.org) or call (800) 266-3382.

**Note:** CSBA's sample policies and administrative regulations are updated continuously. Please contact CSBA's Member 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

As part of the Governing Board's responsibility to set direction for the school district, the Board shall adopt long-term goals focused on the achievement and needs of all district students. The district's goals shall be aligned with the district's vision, mission, philosophy, and priorities and shall be limited in number so as to be reasonably achievable within established timelines.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 9000 - Role of the Board)

**Note:** Items #1-14 below list areas of consideration in the development of goals. Districts are encouraged to replace the list with their own locally developed goals.

When developing the district's goals, the Board shall consider the following areas:

1. Developing curriculum, assessments, and instructional materials that are aligned with the state's content standards, frameworks, and assessments  

(cf. 6141 - Curriculum Development and Evaluation)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 6162.51 - Standardized Testing and Reporting Program)  
(cf. 6162.52 - High School Exit Examination)
2. Maintaining safe and orderly campuses which promote learning  

(cf. 0450 - Comprehensive Safety Plan)
3. Ensuring that all students achieve proficiency in essential areas of skill and knowledge and attain the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy  

(cf. 6142.91 - Reading/Language Arts Instruction)  
(cf. 6142.92 - Mathematics Instruction)  
(cf. 6146.1 - High School Graduation Requirements)  
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)  
(cf. 6178 - Career Technical Education)
4. Providing for the specialized needs of identified groups of students, including providing necessary support and intervention programs and closing the gap between low-achieving and high-achieving students  

(cf. 5149 - At-Risk Students)  
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)  
(cf. 6164.6 - Identification and Education Under Section 504)  
(cf. 6172 - Gifted and Talented Student Program)  
(cf. 6174 - Education for English Language Learners)  
(cf. 6179 - Supplemental Instruction)
5. Providing a system of shared accountability for student achievement with clear performance standards and consequences  

(cf. 0510 - School Accountability Report Card)  
(cf. 2140 - Evaluation of the Superintendent)  
(cf. 4115 - Evaluation/Supervision)

## Goals for the School District (Continued)

*(cf. 4215 - Evaluation/Supervision)*  
*(cf. 4315 - Evaluation/Supervision)*  
*(cf. 9400 - Board Self-Evaluation)*

6. Promoting student health, nutrition, and physical activity in order to enhance learning

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 6142.7 - Physical Education and Activity)*  
*(cf. 6142.8 - Comprehensive Health Education)*

7. Developing each student's self-respect, respect for others, appreciation for diversity, and sense of personal responsibility

*(cf. 5137 - Positive School Climate)*  
*(cf. 6142.3 - Civic Education)*

8. Allocating time and resources for staff collaboration, planning, and professional development activities aligned with the district's goals

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

9. Maintaining fiscal integrity for the district and aligning resources to instructional needs and priorities for student achievement

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

10. Improving the organization, management, and decision-making structure and capabilities of the district to better support the education of students

*(cf. 2000 - Concepts and Roles)*

11. Employing technology in ways that enhance learning, teaching, and noninstructional operations

*(cf. 0440 - District Technology Plan)*  
*(cf. 4040 - Employee Use of Technology)*  
*(cf. 6163.4 - Student Use of Technology)*

12. Providing and maintaining facilities to meet the needs of present and future students

*(cf. 7000 - Concepts and Roles)*  
*(cf. 7110 - Facilities Master Plan)*

13. Maintaining positive relations with parents/guardians and the community, emphasizing communication and inviting participation in the schools

*(cf. 1100 - Communication with the Public)*  
*(cf. 1113 - District and School Web Sites)*  
*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 1240 - Volunteer Assistance)*  
*(cf. 1700 - Relations Between Private Industry and the Schools)*  
*(cf. 6020 - Parent Involvement)*

BP 0200

## Goals for the School District (Continued)

14. Collaborating 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)*

Each goal shall include measurable standards, performance indicators, and benchmarks that can be used to determine the district's progress toward meeting that goal.

The Superintendent or designee shall, with the involvement of district and school site staff, develop a strategic plan containing short-term objectives, actions, and timelines designed to enable the district to achieve its long-term goals. The Superintendent or designee shall also ensure that district improvement plans and reform efforts are aligned with the district's goals.

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*

*(cf. 0520.4 - Quality Education Investment Schools)*

*(cf. 6171 - Title I Programs)*

The Superintendent or designee shall ensure that these goals are communicated to staff, parents/guardians, students, and the community and that those groups are given an opportunity to provide feedback to the district about the goals.

### Monitoring and Evaluation

**Note:** The following section should be modified to reflect district practice. In order to help ensure that the Board's meetings are focused on the district's goals for student achievement, CSBA's Agenda Online program allows items from the Board meeting agenda to link to specific district goals.

The Board shall regularly monitor the progress of the district's efforts in achieving the goals. To that end, the Superintendent or designee shall provide the Board with the necessary data and analysis to help the Board evaluate the effectiveness of the district's efforts. These data shall include an analysis of the progress based on the performance indicators and benchmarks for each goal, as well as other measures of student achievement, such as the Academic Performance Index, Adequate Yearly Progress, student attendance, and graduation rates.

*(cf. 0500 - Accountability)*

*(cf. 6190 - Evaluation of the Instructional Program)*

*(cf. 9322 - Agenda/Meeting Materials)*

If the Board determines that sufficient progress is not being made toward a particular goal, the Board and Superintendent shall determine what types of additional district resources and support should be provided so that progress in increasing student achievement can be made. District goals shall be revised as necessary.

## Goals for the School District (Continued)

### Legal Reference:

#### **EDUCATION CODE**

33127-33129 *Standards and criteria for fiscal accountability*  
33400-33407 *CDE evaluation of district programs*  
44660-44665 *Evaluation of certificated employees*  
51002 *Local development of programs based on stated philosophy and goals*  
51020 *Definition of goal*  
51021 *Definition of objective*  
51041 *Evaluation of the educational program*  
52050-52059 *Public Schools Accountability Act*  
64000-64001 *Consolidated application process*

#### **CODE OF REGULATIONS, TITLE 5**

15440-15463 *Standards and criteria for fiscal accountability*

#### **UNITED STATES CODE, TITLE 20**

6311 *Accountability, adequate yearly progress*  
6312 *Local educational agency plan*

### Management Resources:

#### **CSBA PUBLICATIONS**

*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*  
*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2006*  
*Maximizing School Board Governance: Vision, 1996*

#### **WEB SITES**

CSBA: <http://www.csba.org>  
CSBA, Agenda Online: <http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>  
California Department of Education: <http://www.cde.ca.gov>

(2/98 3/03) 7/08

#### **Policy Reference UPDATE Service**

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## CSBA Sample Board Policy

## Community Relations

BP 1330.1

## Joint Use Agreements

**Note:** The following **optional** policy is for use by districts that elect to establish formal agreements with public or private entities to jointly use either school facilities or community facilities in order to share costs and risks. In adopting policy on this topic, districts are encouraged to review CSBA's policy brief *Maximizing Opportunities for Physical Activity Through Joint Use of Facilities* and CSBA's publication *Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement* for tips regarding successful collaboration, information about funding sources for joint use, suggested components of joint use agreements, model agreements, and additional resources.

Use of school facilities by the community also may be accomplished through the Civic Center Act (Education Code 38130-38138) and programs such as the After School Education and Safety Program (Education Code 8482-8484.6) and 21st Century Community Learning Centers (20 USC 7171-7176; Education Code 8484.7-8484.9); see BP/AR 1330 - Use of School Facilities and BP/AR 5148.2 - Before/After School Programs.

In order to ensure the efficient use of public resources and increase access to needed services, the Governing Board may enter into an agreement with any public agency, public institution, and/or community organization to use community facilities for school programs or to make school facilities or grounds available for use by those entities. Such an agreement shall be based on an assessment of student and community needs and may be designed to increase access to spaces for recreation and physical activity, library services, school health centers, preschool programs, child care centers, before- or after-school programs, or other programs that benefit students and the community.

(cf. 1020 - Youth Services)

(cf. 1330 - Use of School Facilities)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 5030 - Student Wellness)

(cf. 5141.6 - School Health Services)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

(cf. 6163.1 - Library Media Centers)

(cf. 7000 - Concepts and Roles)

(cf. 7131 - Relations with Local Agencies)

When it is determined that joint use of facilities is in the best interest of the district and community, the Superintendent or designee shall identify a potential partner agency, institution, or organization. He/she shall involve that partner, appropriate district and school staff, and community members in establishing planning processes, goals and priorities for joint use, locations where programs or facilities are most needed, and protocols for ongoing communication and coordination between the partners.

(cf. 1220 - Citizen Advisory Committees)

The Superintendent or designee shall work with the partner agency, institution, or organization to develop a written site-specific joint use agreement that delineates the terms and conditions for joint use of the district or community facilities and the responsibilities of all parties. As appropriate, the agreement may address:

1. The underlying philosophy or reasons for entering into the joint use agreement
2. The specific district or community facilities or grounds that will be made available to the other party and areas that will be restricted

## Joint Use Agreements (Continued)

3. Priorities for use of the property
4. Hours that the property will be available for use by the district, the partner, or other parties
5. Projected capital costs, if any, and operating costs  
*(cf. 7110 - Facilities Master Plan)*  
*(cf. 7150 - Site Selection and Development)*  
*(cf. 7210 - Facilities Financing)*
6. Resources to be allocated by the district and the partner  
*(cf. 3100 - Budget)*

**Note:** Education Code 38134 authorizes the district to charge a facilities usage fee to nonprofit organizations that promote youth and school activities, provided that the amount does not exceed the district's direct costs and that the Governing Board first adopts a policy specifying which activities will be charged the fee. See BP 1330 - Use of School Facilities for language implementing this mandate.

7. Rental or other fees, if any, to be charged to either party or third parties using the facilities
8. Responsibilities for management, scheduling, maintenance, on-site supervision, accounting, and other operations
9. Procedures and timelines for requesting use of the facilities
10. Code of conduct for users of the facilities and consequences for violations of the code  
*(cf. 3513.3 - Tobacco-Free Schools)*  
*(cf. 3515.2 - Disruptions)*  
*(cf. 5131 - Conduct)*  
*(cf. 5131.5 - Vandalism and Graffiti)*
11. Provision for regular inspection and notification of damage, as well as restitution and repair of property  
*(cf. 3515.4 - Recovery for Property Loss or Damage)*  
*(cf. 3517 - Facilities Inspection)*
12. Safety and security measures  
*(cf. 0450 - Comprehensive School Safety Plan)*  
*(cf. 3515 - Campus Security)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*  
*(cf. 5142 - Safety)*

BP 1330.1

## Joint Use Agreements (Continued)

**Note:** In general, the California Tort Claims Act, also known as the Government Claims Act, (Government Code 814-825.6, 830-840.6) protects the district against liability for injuries to individuals using school property, although some conditions or circumstances could result in the district being held liable in the event of an injury. Education Code 38134 requires the district to bear the cost of insuring and defending itself against any risk caused by the district's negligence in the ownership and maintenance of district property. Education Code 38134 also requires any organized group using the facilities to carry insurance and to defend itself in the event of any injuries arising from the group's negligence in the use of the facility. See AR 1330 - Use of School Facilities.

CSBA's policy brief *Maximizing Opportunities for Physical Activity Through Joint Use of Facilities* recommends that districts minimize liability by adequately maintaining the property, ensuring they have proper insurance, requiring that organized groups who use the property maintain the proper insurance, and, when feasible, sharing or passing on the risk to the partner through an indemnity clause in the joint use agreement. The district should consult its legal counsel, joint powers authority or insurance carrier, and/or risk manager regarding potential risks and liability prior to entering into a joint use agreement.

13. Liability, insurance, and risk management issues

(cf. 3320 - Claims and Actions Against the District)

(cf. 3530 - Risk Management/Insurance)

(cf. 9260 - Legal Protection)

14. Duration of the agreement, process for amending the agreement, and the bases for cancelling or terminating the agreement before the expiration date

15. Process for resolving disputes regarding any aspect of the agreement

16. How any equipment purchased or other investments made through the agreement will be disposed of at the termination of the agreement

The agreement shall be reviewed by legal counsel and approved by the Board.

**Note:** The following **optional** paragraph should be revised to reflect indicators that will be used to evaluate program effectiveness as agreed upon by the Board and Superintendent and/or program partner.

The Superintendent or designee shall provide regular reports to the Board regarding progress toward project goals, including, but not limited to, levels of participation in joint use programs held at school or community facilities, feedback from program participants, and any report of damage to property or harm to individuals resulting from the joint use. As needed, the Superintendent or designee shall recommend amendments to the joint use agreement.

(cf. 0500 - Accountability)

## Joint Use Agreements (Continued)

### Legal Reference:

#### EDUCATION CODE

8482-8484.6 *After School Education and Safety Program*  
8484.7-8484.9 *21st Century Community Learning Centers*  
10900-10914.5 *Community recreation programs*  
17051-17052 *Joint use*  
17077.40-17077.45 *Eligibility for joint use funding*  
17565-17592 *Board duties re property maintenance and control*  
35200-35214 *Liabilities*  
37220 *School holidays; use of facilities when school is closed*  
38130-38138 *Civic Center Act, use of school property for public purposes*  
44808 *Exemption from liability when students not on school property*

#### BUSINESS AND PROFESSIONS CODE

25608 *Alcoholic beverages on school premises*

#### GOVERNMENT CODE

814-825.6 *Liability of public entities and employees*  
830-840.6 *Liability; dangerous conditions on property*  
895-895.8 *Liability; agreement between public entities*  
989-991.2 *Local public entity insurance*

#### UNITED STATES CODE, TITLE 20

7171-7176 *21st Century Community Learning Centers*  
7905 *Equal access to public facilities*

### Management Resources:

#### CSBA PUBLICATIONS

*Maximizing Opportunities for Physical Activity Through Joint Use of Facilities*, Policy Brief, rev. February 2010  
*Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement*, 2009

#### NATIONAL POLICY AND LEGAL ANALYSIS NETWORK TO PREVENT CHILDHOOD OBESITY PUBLICATIONS

*Model California Joint Use Agreements*  
*Liability for Use of School Property After Hours: An Overview of California Law*, July 2009  
*Checklist for Developing Joint Use Agreements*, March 2009

#### PUBLIC HEALTH LAW AND POLICY PUBLICATIONS

*Opening School Grounds to the Community After Hours: A Toolkit for Increasing Physical Activity Through Joint Use Agreements*, 2010

#### WEB SITES

CSBA: <http://www.csba.org>  
California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>  
Cities Counties and Schools Partnership: <http://www.ccspartnership.org>  
Joint Use Statewide Task Force: <http://www.jointuse.org>  
National Policy and Legal Analysis Network: <http://www.nplan.org>  
Public Health Law and Policy: <http://www.phlpnet.org>

*CSBA Sample Board Policy*

Business and Noninstructional Operations

BP 3312

**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 and Purchases)*

*(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.

BP 3312

## Contracts (Continued)

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

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 Code 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)*

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.

BP 3312

## **Contracts (Continued)**

*(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: <http://www.csba.org>  
California Association of School Business Officials: <http://www.casbo.org>

**(11/99 11/03) 11/05**

#### **Policy Reference UPDATE Service**

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## Food Service/Child Nutrition Program

**Note:** The following **optional** policy may be revised to reflect district practice and the meal programs offered by the district. Districts may receive reimbursements to offset the costs of meals through the National School Lunch Program (42 USC 1751-1769j), School Breakfast Program (42 USC 1773), Special Milk Program (42 USC 1772), or other federally reimbursable meal program as described in the Child Nutrition Act (42 USC 1771-1791). In addition, state funding for meals provided to needy children 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 state and federal funds.

See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. 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 adequate, nourishing food is essential to student health, development, and ability to learn. The Superintendent or designee shall develop strategies to increase students' access to the district's food service programs and to maximize their participation in available programs.

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:** 42 USC 1758b, as added by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), **mandates** each district participating in the National School Lunch Program (42 USC 1751-1769j) or any program in the Child Nutrition Act (42 USC 1771-1791), including the School Breakfast Program, to adopt a districtwide school wellness policy which includes nutrition 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 nutrition standards.

2. Meet or exceed nutrition standards specified in law and administrative regulation  
(*cf. 3552 - Summer Meal Program*)  
(*cf. 3554 - Other Food Sales*)  
(*cf. 5030 - Student Wellness*)  
(*cf. 5148 - Child Care and Development*)  
(*cf. 5148.2 - Before/After School Programs*)  
(*cf. 5148.3 - Preschool/Early Childhood Education*)
3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits
4. Be served in age-appropriate portions

BP 3550

## Food Service/Child Nutrition Program (Continued)

**Note:** Students who meet federal eligibility criteria must be provided meals free of charge or at reduced prices in accordance with 42 USC 1758 and 1773 and Education Code 49550; see BP/AR 3553 - Free and Reduced Price Meals. Pursuant to Education Code 38084, the district may determine the price for other students consistent with the goal of paying the cost of maintaining the cafeterias; see BP 3551 - Food Service Operations/Cafeteria Fund. State and federal reimbursements for all child nutrition programs are administered by the CDE and are based on the number and type of meals served.

5. Be available to students who meet federal eligibility criteria at no cost or at reduced prices, and to other students at reasonable prices

*(cf. 3551 - Food Service Operations/Cafeteria Fund)*

*(cf. 3553 - Free and Reduced Price Meals)*

**Note:** The following **optional** paragraph may be revised to reflect district practice. Grant funding may be available through the Fresh Fruit and Vegetable Program (42 USC 1769a) to provide elementary students with a variety of free fresh fruits and vegetables throughout the school day as a supplement to school breakfast and lunch programs. Eligible schools are those that operate the National School Lunch Program and have 50 percent or more of students eligible for free and reduced-price meals.

The district's food service program shall give priority to serving unprocessed foods and fresh fruits and vegetables.

**Note:** No state or federal law directly governs the use of food produced by school gardens or local farms. However, both state and federal law support the concept of using locally grown and/or organic produce in school cafeterias (Education Code 51795-51797; 42 USC 1769). Thus, such use is allowable provided the foods comply with health and sanitation requirements as well as applicable nutrition standards.

District schools are encouraged to establish school gardens and/or farm-to-school projects to increase the availability of safe, fresh, seasonal fruits and vegetables for school meals and to support the district's nutrition education program.

*(cf. 6142.8 - Comprehensive Health Education)*

To encourage student participation in school meal programs, schools may offer multiple choices of food items within a meal service, provided all food items meet nutrition standards and all students are given an opportunity to select any food item.

The Superintendent or designee may invite students and parents/guardians to participate 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)*



BP 3550

## Food Service/Child Nutrition Program (Continued)

**Note:** The district's food service program is subject to the food safety standards in the California Retail Food Code (Health and Safety Code 113700-114437). In addition, 42 USC 1758 and 7 CFR 210.13 and 220.7 require all schools participating in the National School Lunch and/or Breakfast Program to implement a food safety program for the storage, 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 may be revised to reflect program evaluation indicators and reporting schedules determined by the district. Education Code 49431 and 49431.2 express legislative intent that the Governing Board annually review the district's compliance with nutrition standards for foods sold outside the National School Lunch or Breakfast Program.

Pursuant to the U.S. Department of Agriculture's Food and Nutrition Services Instruction 113-1, any district participating in federal meal programs must collect racial and ethnic data on potentially eligible populations, applicants, and program participants; see BP 3555 - Nutrition Program Compliance.

The Superintendent or designee shall annually report to the Board on student participation in the district's nutrition programs and the extent to which the district's food services program meets state and federal nutrition standards for foods and beverages.

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

### 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  
 49550-49562 Meals for needy students  
 49570 National School Lunch Act  
 51795-51797 School gardens

#### 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  
 15575-15578 Requirements for foods and beverages outside federal meal programs

BP 3550

## Food Service/Child Nutrition Program (Continued)

### UNITED STATES CODE, TITLE 42

1751-1769j National School Lunch Program, including:  
1758b Local wellness policy  
1761 Summer Food Service Program and Seamless Summer Feeding Option  
1769a Fresh Fruit and Vegetable Program  
1771-1793 Child nutrition, especially:  
1772 Special Milk Program  
1773 National School Breakfast Program

### CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program  
215.1-215.18 Special Milk Program  
220.1-220.21 National School Breakfast Program  
245.1-245.13 Eligibility for free and reduced-price meals and free milk

### Management Resources:

#### CSBA PUBLICATIONS

*Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement*, 2009  
*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 PUBLICATIONS

School Meals Initiative Summary  
*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

School Breakfast Toolkit  
*Fresh Fruit and Vegetable Program: Handbook for Schools*, December 2010  
*Food Buying Guide for Child Nutrition Programs*, December 2007  
*Civil Rights Compliance and Enforcement - Nutrition Programs and Activities*, FNS Instruction 113-1, November 2005  
*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 Farm Bureau Federation: <http://www.cfbf.com>  
California Food Policy Advocates: <http://www.cfpa.net>  
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>  
National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>  
U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/fns>

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#### Policy Reference UPDATE Service

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## 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, including the National School Lunch Program (42 USC 1751-1769j), School Breakfast Program (42 USC 1773), and Special Milk Program (42 USC 1772). The district should select all sections below that apply to programs offered by the district.

See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. 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.

## Nutrition Standards for School Meals

**Note:** Item #1 below is for use by all districts. Education Code 49550 requires all schools to provide at least one nutritionally adequate meal each school day to students who meet federal eligibility criteria for free and reduced-price meals, regardless of whether the school receives reimbursements through the National School Lunch Program (42 USC 1751-1769j), School Breakfast Program (42 USC 1773), and/or State Meal Program (Education Code 49490-49494) or receives no funding support for school meals; see BP/AR 3553 - Free and Reduced Price Meals. Education Code 49553 defines a "nutritionally adequate meal" as one that qualifies for reimbursement under federal child nutrition program regulations. 42 USC 1758 and 1773 require schools participating in the National School Lunch and/or Breakfast Program to extend meal service to all students enrolled in the school.

The Healthy, Hunger-Free Kids Act of 2010 (42 USC 1753) required the U.S. Department of Agriculture (USDA) to develop regulations to align meal patterns and nutrition standards for the National School Lunch and Breakfast Programs with the Dietary Guidelines for Americans. These updated meal requirements are contained in 7 CFR 210.10, 220.8, and 220.23, as amended by 77 Fed. Reg. 17 pages 4088-4167. Requirements for the National School Lunch Program (7 CFR 210.10) are effective July 1, 2012. 7 CFR 220.23 contains requirements for the School Breakfast Program which are applicable through the 2013-14 school year; these will be superseded by the requirements in 7 CFR 220.8 after the 2013-14 school year.

The alternative method of meeting the required nutrition standards in California, the menu planning option of the Shaping Health as Partners in Education (SHAPE) program, has been disallowed by the USDA. Thus, effective July 1, 2012, all schools participating in the National School Lunch program must comply with the food-based menu planning approach and USDA standards.

Meals, food items, and beverages provided through the district's food services program shall: (Education Code 49531, 49553; 42 USC 1758, 1773)

1. Comply with National School Lunch and/or Breakfast Program standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10, 220.8, or 220.23 as applicable

**Note:** Item #2 below reflects an additional requirement for (1) districts participating in the National School Lunch and/or Breakfast Program which choose to apply for state reimbursements for free and reduced-price meals in addition to their base reimbursement and (2) districts participating in the State Meal Program. Pursuant to Education Code 49430.7, such districts may not provide foods that are deep fried, par fried, or flash fried. Other districts may delete or use this item at their discretion.

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## Food Service/Child Nutrition Program (Continued)

In addition, Education Code 49430.7 requires that foods provided by such districts not contain artificial trans fat. 7 CFR 210.10 and 220.8, as amended by 77 Fed. Reg. 17, added the same requirement to the nutrition standards for the National School Lunch and Breakfast Programs applicable to all districts; thus, the prohibition against trans fat is covered by item #1 above.

2. Not be deep fried, par fried, or flash fried, as defined in Education Code 49430 and 49430.7

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

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

### Drinking Water

**Note:** The following section is for use by all districts. Pursuant to 42 USC 1758, schools participating in the National School Lunch Program are required to make free drinking water available for consumption at locations where meals are served during meal service. In addition, Education Code 38086 requires all California schools to make free drinking water available during school meal times. Pursuant to Education Code 38086, a district may be exempted from this requirement only if the Governing Board adopts a resolution, publicly noticed on at least two consecutive meeting agendas, demonstrating that the district is unable to comply due to fiscal constraints or health or safety concerns. Any district whose Board has adopted such a resolution should delete this section.

Pursuant to Education Code 38086, schools may satisfy this requirement by, among other means, providing cups and containers of water or soliciting or receiving donated water. Recommendations on the California Department of Education's web site include providing chilled water, ensuring that all water fountains are clean and operational, and encouraging water consumption through marketing and advertising.

The district shall provide access to free, fresh drinking water during meal times in food service areas at all district schools, including, but not limited to, areas where reimbursable meals under the National School Lunch or Breakfast Program are served or consumed. (Education Code 38086; 42 USC 1758)

### Special Milk Program

**Note:** The following section is **optional**. The Special Milk Program (42 USC 1772; 7 CFR 215.1-215.18) is a federally funded program which assists in providing milk at reasonable prices to students in schools that do not participate in the National School Lunch or Breakfast Program. Pursuant to 7 CFR 215.1 and 215.7, districts may choose to provide milk at no charge to students who qualify for free and reduced-price meals; see BP 3553 - Free and Reduced Price Meals.

Any school that does not participate in the National School Lunch or Breakfast Program may participate in the Special Milk Program to provide all enrolled students with reasonably priced milk. (7 CFR 215.1)

## Food Service/Child Nutrition Program (Continued)

### Food Safety

**Note:** Pursuant to Health and Safety Code 113789, school cafeterias are among food facilities subject to the California Retail Food Code.

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

**Note:** The remainder of this section is for use by any district participating in the National School Lunch and/or Breakfast Program and may be used or revised by other districts at their discretion. 42 USC 1758 requires such districts to implement a food safety program applicable to any facility or part of a facility in which food is stored, prepared, or served. Pursuant to 42 USC 1758 and 7 CFR 210.13 and 220.7, the food safety program must comply with Hazard Analysis and Critical Control Point (HACCP) principles, which include establishing measures needed to prevent hazards at each stage of food production. Pursuant to 7 CFR 210.13, districts may implement either the "traditional" HACCP system or the simplified "process approach." Under the process approach, foods are grouped together according to preparation process and the same control measure is applied to all menu items within the group, rather than developing an HACCP plan for each item. These principles are described in the USDA's *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 written food safety program for the storage, preparation, and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) system. The district's HACCP plan shall include, but is not limited to, a determination of critical control points and critical limits at each stage of food production, monitoring procedures, corrective actions, and recordkeeping procedures. (42 USC 1758; 7 CFR 210.13, 220.7)

**Note:** The following paragraph is **optional**. The USDA's *Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles* recommends that proper staff training is a necessary component of an effective food safety program.

The Superintendent or designee shall provide ongoing staff development on food safety to food service managers and employees. Each new employee, including a substitute, or volunteer shall complete initial food safety training prior to handling food. The Superintendent or designee shall document the date, trainer, and subject of each training.

(cf. 4231 - Staff Development)

**Note:** The following paragraph is **optional**. The USDA's *Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles* states that districts should maintain the following types of records in order to periodically review the food safety program and, in the event of a foodborne illness, to document that reasonable care was exercised in the operation of the school's food service program.

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## Food Service/Child Nutrition Program (Continued)

The Superintendent or designee shall assign staff to maintain records and logs documenting food safety activities, including, but not limited to, records of food deliveries, time and temperature monitoring during food production, equipment temperature (freezer, cooler, thermometer calibration), corrective actions, verification or review of safety efforts, and staff training.

### Inspection of Food Facilities

**Note:** Health and Safety Code 113725-113725.3 require all food facilities in California to be inspected by the county environmental health agency in accordance with the timelines and procedures established in county regulations. The inspections cover all food service areas, including cafeterias, vending machines, and mobile food carts. 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 service 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 applicable county regulations.

**Note:** The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. Notwithstanding the requirements of county regulations, districts participating in these programs must obtain at least two safety inspections each school year.

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)

The Superintendent or designee shall retain records from the most recent food safety inspection. All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (Health and Safety Code 113725.1; 42 USC 1758; 7 CFR 210.13, 210.15, 220.7)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

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## Summer Meal Program

**Note:** The following **optional** policy is for use by any district that has been approved by the California Department of Education (CDE) to serve as a program sponsor under the federally funded Seamless Summer Feeding Option (SSFO) or Summer Food Service Program (SFSP), pursuant to 42 USC 1761 (as amended by P.L. 111-80) and 7 CFR 225.1-225.20. Both programs are designed to provide meals to children in low-income communities during summer vacation; however, SSFO funding is available only to districts that also participate in the National School Lunch or Breakfast Program (42 USC 1751-1769, 1773).

Pursuant to 7 CFR 225.14, districts participating in SSFO or SFSP must make summer meals available to all children in the community, not just those enrolled in summer school. Districts that offer meals only to students enrolled in summer school and not to other children in the community are not eligible to receive reimbursements under SSFO or SFSP, but may continue to provide meals through the National School Lunch or Breakfast Program.

The Governing Board recognizes that child nutrition programs have a positive and direct impact upon children's well-being and achievement. To help students and other children in the community remain well nourished throughout the summer vacation, the district shall sponsor a summer meal program as approved by the California Department of Education (CDE).

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

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

**Note:** The following **optional** paragraph is for use by districts that maintain one or more schools on a year-round schedule. Pursuant to 42 USC 1761, the SSFO and SFSP may provide meals at off-session/off-track times of the year for schools on a continuous school calendar. According to the CDE's *Frequently Asked Questions*, under the SSFO, schools on a year-round schedule may be approved to serve meals during breaks of at least 10 school days. For purposes of the SFSP, 7 CFR 225.2 defines a "continuous school year" as having vacation periods of 15 continuous school days or more during the period from October through April.

The district may apply to the CDE to provide meals to children during any extended break in a year-round school schedule. (42 USC 1761; 7 CFR 225.2, 225.6, 225.14)

(cf. 6117 - Year-Round Schedules)

Between October and April, or at any time or school on a year-round schedule, the district may serve meals at a nonschool site in cases of unanticipated school closures, such as a natural disaster, unscheduled major building repair, court order related to school safety or other issues, labor-management dispute, or similar cause as approved by the CDE. (42 USC 1761; 7 CFR 225.6)

**Note:** Both the SSFO and SFSP contain criteria for choosing locations to operate a summer meal program; see the accompanying administrative regulation. Meal service must not begin prior to receiving CDE approval of the site.

BP 3552

## Summer Meal Program (Continued)

The Superintendent or designee shall recommend to the Board one or more sites for meal services based on state and federal program criteria and an assessment of family and community needs. When feasible, the Superintendent or designee shall involve local governmental agencies, food banks, and/or community organizations in identifying suitable site locations. The site(s) shall be approved by the CDE before meal service is initiated.

**Note:** The following paragraph is **optional**. The U.S. Department of Agriculture's *The Summer Food Service Program: Food That's In When School is Out, 2010 Administrative Guidance for Sponsors* encourages sponsors to select sites or design programs to offer other organized activities that attract children to the summer meal program.

The summer meal program may be offered in conjunction with educational enrichment or recreational activities in order to encourage participation in other wellness and learning opportunities.

(cf. 1020 - Youth Services)

(cf. 1330.1 - Joint Use Agreements)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6177 - Summer School)

The Superintendent or designee shall develop and coordinate outreach and promotional activities to inform parents/guardians and the community about the availability of the summer meal program and its location(s) and hours.

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

**Note:** Districts participating in either the SSFO or SFSP must submit reimbursement claims through the CDE's online Child Nutrition Information and Payment System.

The Superintendent or designee shall maintain accurate records of all meals served and shall ensure the timely submission of reimbursement claims in accordance with state procedures.

(cf. 3551 - Food Service Operations/Cafeteria Fund)

The Superintendent or designee shall regularly report to the Board regarding program implementation, number of participants at each site, feedback from participating children and their parents/guardians regarding menus and service, and program costs. As needed, the Board shall direct the Superintendent or designee to identify program modifications to increase program quality or children's access to meal services.

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

### Legal References:

#### EDUCATION CODE

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

## Summer Meal Program (Continued)

49530-49536 *Child Nutrition Act*  
49547-49548.3 *Comprehensive nutrition services*  
49550-49562 *Meals for needy students*  
49570 *National School Lunch Act*

### CODE OF REGULATIONS, TITLE 5

15510 *Mandatory meals for needy students*  
15550-15565 *School lunch and breakfast programs*

### UNITED STATES CODE, TITLE 42

1751-1769i *School lunch programs, including:*  
1751 *Note Local wellness policy*  
1761 *Summer Food Service Program and Seamless Summer Feeding Option*  
1771-1792 *Child nutrition, especially:*  
1773 *School breakfast program*

### CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*  
220.1-220.22 *National School Breakfast Program*  
225.1-225.20 *Summer Food Service Program*

### Management Resources:

#### CSBA PUBLICATIONS

*Providing Access to Nutritious Meals During Summer*, Policy Brief, June 2010  
*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

USDA-SFSP-06-2008 *Summer Food Service Program Outreach Requirement Clarification*, October 2008

#### U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

*The Summer Food Service Program: Food That's In When School is Out*, 2010, *Nutrition Guidance for Sponsors*, rev. March 2010  
*The Summer Food Service Program: Food That's In When School is Out*, 2010 *Site Supervisor's Guide*, rev. January 2010  
*The Summer Food Service Program: Food That's In When School is Out*, 2010 *Monitor's Guide*, rev. January 2010  
*The Summer Food Service Program: Food That's In When School is Out*, 2010 *Administrative Guidance for Sponsors*, rev. December 2009  
*National School Lunch Program's Seamless Summer Option Questions and Answers*, 2009

#### WEB SITES

CSBA: <http://www.csba.org>  
California Center for Research on Women and Families, Summer Meal Program Coalition: <http://www.ccrwf.org>  
California Department of Education, Nutrition: <http://www.cde.ca.gov/ls/nu>  
California Food Policy Advocates: <http://www.cfpa.net>  
California School Nutrition Association: <http://www.calsna.org>  
Child Nutrition Information and Payment System: <https://www.cnips.ca.gov>  
U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov>

## CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3552

# Summer Meal Program

**Note:** The following **optional** administrative regulation is for use by any district that has been approved by the California Department of Education (CDE) to serve as a program sponsor under the federally funded Seamless Summer Feeding Option (SSFO) or Summer Food Service Program (SFSP), pursuant to 42 USC 1761 (as amended by P.L. 111-80) and 7 CFR 225.1-225.20. The district should select the section(s) below that correspond to the program(s) offered by the district.

### Site Selection

**Note:** The following section is for use by districts that participate in either the SSFO or SFSP.

In identifying locations where summer meals may be provided, the Superintendent or designee shall document site eligibility according to the following criteria: (7 CFR 225.2, 225.15)

1. **Open Site:** The site provides meals to all children in the area and is located at a school or nonschool site within the geographical boundaries of a school attendance area where at least 50 percent of the children are eligible for free or reduced-price meals.  
*(cf. 3553 - Free and Reduced Price Meals)*
2. **Restricted Open Site:** The site initially meets the criteria of an “open site,” but the district must restrict or limit participation on a first-come, first-served basis due to security, safety, or control concerns.
3. **Closed Enrolled Site:** The site is open only to enrolled children, as opposed to the community at large, and at least 50 percent of the enrolled children at the site are eligible for free or reduced price school meals, as determined by approval of applications in accordance with 7 CFR 225.15(f).

**Note:** The following **optional** paragraph is for use by districts that offer meals during summer school session. 7 CFR 225.14 requires such districts to make summer meals available to all children in the community, not just those enrolled in summer school. Districts that offer meals only to students enrolled in summer school and not to other children in the community are not eligible to receive reimbursements under SSFO or SFSP, but may continue to provide meals through the National School Lunch or Breakfast Program (42 USC 1751-1769h, 1773; 7 CFR 210.1-210.31, 220.1-220.21).

Whenever the district offers the summer meal program at a site that provides summer school sessions, it shall ensure that the site is open to students enrolled in summer school and to all children residing in the area served by the site. (7 CFR 225.14)

*(cf. 3555 - Nutrition Program Compliance)*  
*(cf. 6177 - Summer School)*

### Meal Service

**Note:** The following section is for use by districts that participate in either the SSFO or SFSP. The district may revise the following paragraph to reflect meals provided by the district.

## Summer Meal Program (Continued)

In accordance with the district's agreement with the California Department of Education (CDE), the summer meal program may offer breakfast, morning snack, lunch, afternoon snack, and/or supper. The program may provide up to two meals/snacks per day in any combination, except that lunch and supper shall not be provided by the same site on the same day. Sites that primarily serve children from migrant families may apply to serve up to three meals, or two meals and one snack, per day. All meals/snacks shall be provided within the time periods specified in 7 CFR 225.16. (42 USC 1761; 7 CFR 225.16)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 5030 - Student Wellness)

Meals provided through the district's summer meal program shall be available at no cost to: (42 USC 1761; 7 CFR 225.2)

1. Children age 18 or younger
2. Persons over age 18 who meet the CDE's definition of having a physical or mental disability and who are participating in a public or nonprofit private school program established for individuals with a disability

(cf. 6164.4 - Identification of Individuals for Special Education)

**Note:** The following paragraph is **optional**. The U.S. Department of Agriculture's (USDA) *The Summer Food Service Program: Food That's In When School is Out, 2010 Administrative Guidance for Sponsors* encourages sponsors to designate a site supervisor for each site, as specified below.

The Superintendent or designee shall designate a person at each participating site to serve as the program's site supervisor. The site supervisor shall oversee the order or preparation of meals, ensure the site is cleaned before and after the meal, and record the number of complete meals served to eligible children each day.

### Additional Requirements for Seamless Summer Feeding Option

**Note:** In addition to the requirements in the "Site Selection" and "Meal Service" sections above, districts participating in SSFO are subject to the requirements in the following **optional** section. Districts that participate in SSFO also participate in the National School Lunch or Breakfast Program (42 USC 1751-1769, 1773) and have one agreement with the CDE for their entire food services operation.

All meals offered through the summer meal program shall meet menu planning requirements for the National School Lunch or Breakfast Program pursuant to 7 CFR 210.10 or 7 CFR 220.8. (42 USC 1761)

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

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

AR 3552

## Summer Meal Program (Continued)

**Note:** The following **optional** paragraph should be revised to reflect district practice. As part of the application process, districts applying to participate in the SSFO and operate an open site are required to describe how each site will advertise the availability of meal services to children in the community. The CDE's web site specifies that districts must have a large banner or marquee demonstrating that the meal service is available to all children in the community. Additional sample outreach materials, including a flyer translated into multiple languages, a poster, and a template letter for web sites, are available through the CDE.

According to the CDE's *Frequently Asked Questions*, the district should maintain documentation, such as copies of advertisements, flyers, or radio or TV announcements, so that the advertising method can be confirmed during a CDE review.

Whenever the district operates an open site as defined in the section entitled "Site Selection" above, the Superintendent or designee shall advertise the availability of summer meal services to the neighborhood community. A large banner or marquee shall be prominently displayed at each site before and during the meal service. Other outreach strategies may include, but are not limited to, sending a news release to the local media, distributing a flyer to parents/guardians of district students, posting information on the district or school web site, and placing posters throughout the community.

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

**Note:** Meals provided through the SSFO are reimbursed at the same rate applicable to free meals served through the National School Lunch or Breakfast Program. Reimbursement claims for meals served through the SSFO must be submitted through the CDE's online Child Nutrition Information and Payment System as part of the district's National School Lunch or Breakfast Program claim.

At the point of service, on-site staff shall count the number of eligible meals served. Reimbursement claims shall be submitted using the same procedure used during the school year for the National School Lunch or Breakfast Program.

**Note:** According to the USDA's *National School Lunch Program's Seamless Summer Option Questions and Answers*, each SSFO site must be locally reviewed at least once each year unless this requirement is waived by the CDE. The site monitoring review should be completed using a form available from the CDE. State review of local SSFO programs occurs every five years during the CDE's Coordinated Review Effort process.

Each year the Superintendent or designee shall conduct at least one review of each site to ensure its compliance with meal counting, claiming, menu planning, and food safety requirements. For newly established sites, such reviews shall be conducted within three weeks of the start of operation.

## Summer Meal Program (Continued)

### Additional Requirements for Summer Food Service Program

**Note:** In addition to the requirements in the “Site Selection” and “Meal Service” sections above, districts participating in SFSP are subject to the requirements in the following **optional** section. The SFSP requires annual approval of the program from the CDE.

The district shall annually submit to the CDE a program application and budget for anticipated operational and administrative costs.

**Note:** 7 CFR 225.15 requires districts that sponsor open sites, as defined in item #1 in the section entitled “Site Selection” above, to send a notice to the media publicizing the availability of the program. A sample news release is available in the USDA’s *The Summer Food Service Program: Food That’s In When School is Out, 2010 Administrative Guidance for Sponsors*.

The Superintendent or designee shall annually send a notice to the media serving the area from which the district draws its attendance regarding the availability of free meals. (7 CFR 225.15)

(cf. 1112 - Media Relations)

**Note:** According to the USDA’s *2010 Administrative Guidance for Sponsors*, in addition to the media notice described above, the district is required to take the actions specified in items #1-4 below to inform the community about the program.

In addition, the district and each open site shall:

1. Make program information available to the public upon request
2. Make reasonable efforts to provide information in the appropriate translation concerning the availability and nutritional benefits of the program
3. Display, in a prominent place at the site and in the district office, the nondiscrimination poster developed or approved by the U.S. Department of Agriculture’s Food and Nutrition Service
4. Include the nondiscrimination statement and instructions for filing a complaint in the public release and in any program information directed to parents/guardians of participants and potential participants

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

(cf. 1100 - Communication with the Public)

(cf. 1113 - District and School Web Sites)

**Note:** CDE Management Bulletin USDA-SFSP-06-2008 states that sponsors of open sites are also required to post signage as provided in item #5 below.

AR 3552

## Summer Meal Program (Continued)

5. Post signage, such as a banner, marquee, poster, or other large display on the exterior of the building facing the street nearest the entrance of the meal service area at each site, before the meal service begins and throughout the service time

All meals offered through the summer meal program shall meet U.S. Department of Agriculture minimum meal patterns as specified in 7 CFR 225.16 or the meal patterns required for the National School Lunch and Breakfast Programs. (42 USC 1761; 7 CFR 225.16)

*(cf. 3550 - Food Service/Child Nutrition Program)*

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

The Superintendent or designee shall submit to the CDE monthly reimbursement claims based on the number of eligible meals served.

**Note:** 42 USC 1761 and 7 CFR 225.15 and 225.7 require the district to provide training for program administrative and site personnel as provided below. In addition, administrative personnel must participate in mandatory training conducted by the CDE each year before the CDE will approve the SFSP agreement.

Program administrative personnel shall annually attend mandatory training provided by the CDE. In addition, the Superintendent or designee shall annually hold program training sessions for administrative and site personnel and shall allow no site to operate until personnel have attended at least one of these training sessions. Training of site personnel shall include, but not be limited to, the purpose of the program, site eligibility, record keeping, site operations, meal pattern requirements, and the duties of a program monitor. The Superintendent or designee shall provide training throughout the summer to ensure that administrative personnel are thoroughly knowledgeable in all required areas of program administration and operation and are provided with sufficient information to carry out their program responsibilities. Each site shall have present at each meal service at least one person who has received this training. (42 USC 1761; 7 CFR 225.15, 225.7)

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**Note:** In addition to the self-reviews required by 7 CFR 225.15 as described below, districts are subject to reviews by the CDE at least once every three years, and more frequently under some circumstances, in accordance with 7 CFR 225.7.

The Superintendent or designee shall monitor program operations by conducting site visits prior to opening a new site, during the first week of operation, during the first four weeks of operation, and then at a reasonable level thereafter. (7 CFR 225.15)

The Superintendent or designee shall retain all records pertaining to the program for a period of three years after the end of the fiscal year to which they pertain. (7 CFR 225.6, 225.15)

*(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 1758 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 for 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 available state and federal funds.

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 Seamless Summer Feeding Option and/or Summer Food Service Program (Education Code 49547.5; 42 USC 1761); see BP/AR 3552 - Summer Meal Program.

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.

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer School)

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)

**Note:** In order to be reimbursed for free and reduced-price meals, a school must meet federal and/or state nutritional guidelines in 7 CFR 210.10 and 220.8 as described in AR 3550 - Food Service/Child Nutrition Program.

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meals 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)

**Note:** The federally funded Special Milk Program (42 USC 1772; 7 CFR 215.1, 215.7) assists in providing milk to students at reasonable prices in schools that do not participate in the National School Lunch or Breakfast Program. Participating districts may, at their discretion, choose to provide milk at no charge to students who qualify for free and reduced-price meals. The following **optional** paragraph is for use by districts that choose to provide free milk to eligible students.

BP 3553

## Free and Reduced Price Meals (Continued)

Schools participating in the Special Milk Program pursuant to 42 USC 1772 shall provide milk at no charge to students who meet federal eligibility criteria for free or reduced-price meals.

**Note:** Education Code 49557 requires the district to develop a plan ensuring that students receiving free and reduced-price meals are not discriminated against in the implementation of the food services program. See the accompanying administrative regulation for plan requirements.

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. 3555 - Nutrition Program Compliance)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

### Confidentiality/Release of Records

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

**Note:** The following paragraph is **optional**. According to CDE Management Bulletin NSD-SNP-12-2010, Education Code 49558 does not prohibit the sharing of free and reduced-price meal application information to other districts/schools for the purpose of determining students' eligibility. The district may provide either the student's application or only the student's name and eligibility status. The CDE urges districts to develop agreements with other districts regarding how the data will be shared, transported, protected, and destroyed once its purpose for determining meal eligibility has been completed.

If a student transfers from the district to another district or to a private school, the Superintendent or designee may release the student's eligibility status or a copy of his/her free and reduced-price meal application to the other district or school to assist in the continuation of the student's meal benefits.

**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 meals 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 in connection with either a federal Title I program (20 USC 6301-6514) or the National Assessment of Educational Progress. 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.

## Free and Reduced Price Meals (Continued)

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

1. Disaggregation of academic achievement data
2. In any school identified as a Title I program improvement school pursuant to 20 USC 6316, 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, a district may release information on the National School Lunch Program application, under the conditions described below, to the local agency that determines eligibility under the Medi-Cal program.

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 in accordance with Education Code 49557.2.

*(cf. 5141.6 - School Health Services)*

**Note:** The following paragraph is **optional**. Pursuant to Education Code 49558, as amended by AB 402 (Ch. 504, Statutes of 2011), a district may release information on the National School Lunch Program application of any student who has been approved for participation in the free or reduced-price meals program to the local agency that determines eligibility for participation in the CalFresh program (formerly Food Stamp) or other nutrition assistance program authorized under 7 CFR 210.1. To do so, the district must comply with the conditions described below and may enter into a memorandum of understanding with the local agency in accordance with Education Code 49557.3, as added by AB 402.

In addition, information on the school lunch program application may be released to the local agency that determines eligibility for participation in the CalFresh program or other nutrition assistance program, provided the student whose information is to be released is approved for free or reduced-price meals and his/her parent/guardian consents to the sharing of the information. Prior to releasing information to any such local agency, the Superintendent or designee and the local agency shall enter into a memorandum of understanding that, at a minimum, shall include the roles and responsibilities of the district and the local agency, the process for sharing the information, and a statement that the local agency may use the information only for purposes directly related to the enrollment of families in the CalFresh or other nutrition assistance program. (Education Code 49557.3, 49558)

### 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

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## **Free and Reduced Price Meals (Continued)**

49510-49520 Nutrition  
49530-49536 Child Nutrition Act of 1974  
49547-49548.3 Comprehensive nutrition service  
49550-49562 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**

1751-1769j 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**

*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**

USDA-SNP-07-2010 Change in Free and Reduced-Price Meal Application Approval Process, September 2010  
NSD-SNP-12-2010 Clarification Regarding the Ability to Share Student Meal Program Eligibility Information Between School Food Authorities, April 2010  
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*  
*Direct Certification Implementation Checklist, May 2008*

#### **U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS**

*Eligibility Manual for School Meals: Federal Policy for Determining and Verifying Eligibility, January 2008*  
*Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002*

#### **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

**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. The following administrative regulation is for use by all districts, regardless of whether they receive reimbursement for free and reduced-price meals through the National School Lunch and/or Breakfast Program (42 USC 1758, 1773) and/or the State Meal Program (Education Code 49490-49494).

### Applications

**Note:** The California Department of Education's (CDE) Management Bulletin USDA-SNP-07-2010 clarifies that it is the responsibility of the district to ensure that applications for free and reduced-price meals and free milk meet the requirements of law. Model application forms are available from the CDE in several formats and in both English and Spanish. Pursuant to 42 USC 1758, as amended by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), applicants may only be required to submit the last four digits of their social security numbers rather than the full number. Thus, the district should change its application accordingly.

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. In addition, the application packet may include the notifications and information listed in Education Code 49557.2.

The application form and related information shall be distributed to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

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

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3552 - Summer Meal Program)

(cf. 5145.6 - Parental Notifications)

**Note:** According to the U.S. Department of Agriculture's *Eligibility Manual for School Meals: Federal Policy for Determining and Verifying Eligibility*, households enrolling a new student after the start of the school year must also be provided an application and related materials.

The form and information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

(cf. 1112 - Media Relations)

AR 3553

## Free and Reduced Price Meals (Continued)

### Eligibility

**Note:** Districts are responsible for determining students' eligibility for free and reduced-price meals in accordance with criteria established by the 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.

Pursuant to 42 USC 1769c, as amended by P.L. 111-296, a district that has demonstrated a high level of, or a high risk for, administrative error may be required to implement a second-level, independent review of the eligibility determination for each application. Such districts also will be subject to additional CDE reporting requirements.

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meals 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 49561-49562 require the CDE to maintain a computerized data-matching system to directly certify, for enrollment in the free and reduced-price meals program, recipients of the Food Stamp Program, California Work Opportunity and Responsibility to Kids (CalWORKS) Program, Medi-Cal program, and other programs authorized for direct certification under federal law. Under this system, the CDE provides districts with a list of students who are eligible for the free and reduced-price meals program based on their enrollment in another program. Pursuant to 42 USC 1758, as amended by P.L. 111-196, districts also may, at their own discretion and by obtaining documentation from the appropriate state or local agency, directly certify as eligible a student who is homeless, migratory, or a foster child. Pursuant to Education Code 49561 and 42 USC 1758, as amended, no additional application or further action is required by the household of students who are directly certified. Further information about direct certification and other eligibility issues is available in the USDA's *Eligibility Guidance for School Meals Manual*.

Pursuant to 42 USC 1759a, as amended by P.L. 111-296, and 7 CFR 245.9, certain districts located in high poverty areas may be eligible to participate in alternative processes for annual determinations of student eligibility for free and reduced-price meals (Provisions 1, 2, 3, and 4). Districts participating in these alternative processes should revise the following section to reflect district practice.

When authorized by law, participants in other federal or state programs may be directly certified, without further application, for enrollment in the free and reduced-price meals program. (Education Code 49561; 42 USC 1758)

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6175 - Migrant Education Program)*

### Verification of Eligibility

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

## Free and Reduced Price Meals (Continued)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year
4. 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 meals 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.

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meals 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 meals program shall be maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

AR 3553

## Free and Reduced Price Meals (Continued)

2. Information regarding individual student participation in the free and reduced-price meals 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.

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

### Nondiscrimination Plan

The district's plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557; 42 USC 1758)

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.

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

*(cf. 3555 - Nutrition Program Compliance)*

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)

### Prices

**Note:** The following section is for use by districts that provide reduced-price meals to students through the National School Lunch and/or Breakfast Program pursuant to 42 USC 1757 and 1773.

The maximum price that shall be charged to eligible students for reduced-price meals shall be 40 cents for lunch and 30 cents for breakfast. (42 USC 1758, 1773)

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## CSBA Sample Board Policy

### Business and Noninstructional Operations

BP 3554

## 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)*

BP 3554

## Other Food Sales (Continued)

### 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  
15575-15578 Requirements for foods and beverages outside federal meals program

#### HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

#### UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Act, including:  
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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## CSBA Sample 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, 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. Clarification and definitions of the food and beverage standards are provided in 5 CCR 15575-15578, added by Register 2008, No. 32. 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 and 5 CCR 15575-15578.

(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)

AR 3554

## 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.

AR 3554

## Other Food Sales (Continued)

4. The sale during the regular school day is not of food items prepared on the premises.
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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## CSBA Sample Board Policy

## Business and Noninstructional Operations

BP 3555

**Nutrition Program Compliance**

**Note:** The following policy is **mandated** for any district that receives federal financial assistance for its participation in the National School Lunch Program, School Breakfast Program, Special Milk Program, or other child nutrition programs. Districts that do not receive any such financial assistance may delete this policy.

State and federal law prohibit discrimination in such programs. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination on the basis of race, color, and national origin. Title IX (20 USC 1681-1688) prohibits discrimination on the basis of sex. The Americans with Disabilities Act (ADA) (42 USC 12101-12213) and Section 504 of the Vocational Rehabilitation Act of 1973 (29 USC 794) prohibit discrimination on the basis of disability. Education Code 220 prohibits discrimination on all those bases and, in addition, on the basis of sexual orientation in all programs and activities in public schools. The U.S. Department of Agriculture, Food and Nutrition Service (FNS) has authority to enforce federal laws in all nutrition programs and activities that receive federal funds. The California Department of Education (CDE) may also investigate complaints regarding discrimination through the Uniform Complaint Procedure, see BP/AR 1312.3 - Uniform Complaint Procedures.

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her because of his/her race, color, national origin, gender, sex, sexual orientation, disability, or any other basis prohibited by law, in its implementation of such a program.

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

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

**Coordinator**

**Note:** In March 2010, CDE's Nutrition Services Division published its *Civil Rights and Complaint Procedures for Child Nutrition Programs* to provide guidance and directions to enable districts comply with federal law. The publication was based on FNS's *Civil Rights Compliance and Enforcement - Nutrition Programs and Activities*, FNS Instruction 113-1, issued in 2005. Both documents provide for the appointment of a civil rights coordinator to be responsible for ensuring district compliance with all the requirements.

The Board designates the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures as coordinator of the district's efforts to comply with the laws governing its nutrition programs and to investigate any related complaints. Any complaint concerning the district's nutrition programs shall be investigated using the process identified in the section entitled "Procedures" in the district's AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The coordinator shall provide training on the laws, regulations, procedures, and directives related to the district's nutrition programs to district employees involved in administering them. The coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the district's nutrition programs, based on their race, ethnicity, or disability, and that prevent district employees from incorrectly denying the applications for participation submitted by such individuals.

The coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the district's nutrition programs and shall, at least annually, report to the Board on whether the district's nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed.

## Nutrition Program Compliance (Continued)

*(cf. 5022 - Students and Family Privacy Rights)*

*(cf. 5125 - Student Records)*

When a significant number of participants or potential participants in the district's nutrition programs are only non-English speakers, the coordinator shall make an appropriate language translation available.

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6174 - English Language Learners)*

The coordinator also shall ensure that the district's nutrition programs accommodate the special dietary needs of any individual with a disability who has on file a medical statement that restricts his/her diet because of his/her disability.

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

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

### Notifications

The coordinator shall ensure that the U.S. Department of Agriculture's "And Justice for All" or other approved Nutrition Programs Civil Rights posters are displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

Annually, the coordinator shall notify all students, parents/guardians, and employees of program requirements and the procedures for filing a complaint, through the district's usual means of notification.

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

*(cf. 5145.6 - Parental Notifications)*

**Note:** As part of its instructions to all recipients of federal funds, FNS requires that every program publication contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. FNS provides specific language for the notification and prohibits its modification in any way.

In addition, the coordinator shall ensure that every informational release, publication, or poster concerning the district's nutrition programs and/or activities includes, in a prominent location, the following statement:

"In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. In addition, California law prohibits discrimination on any basis identified in Government Code 12940.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."

However, if the document is no more than one page and there is no room to print the full nondiscrimination statement, the district may instead use the statement "This institution is an equal opportunity provider" in the same print size as the rest of the text.

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## Nutrition Program Compliance (Continued)

When a complaint is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 1500, Sacramento, CA 95814-2342 or call 916-445-0850 or 800-952-5609
2. Office of Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email Joe.Torres@fns.usda.gov
3. USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call 800-795-3272 or 202-720-6382 (TTY)

### Legal Reference:

#### **EDUCATION CODE**

200-262.4 *Prohibition of discrimination*  
48985 *Notices to parents in language other than English*  
49060-49079 *Student records*  
49490-49590 *Child nutrition programs*

#### **PENAL CODE**

422.55 *Definition of hate crime*  
422.6 *Interference with constitutional right or privilege*

#### **CODE OF REGULATIONS, TITLE 5**

3080 *Application of section*  
4600-4687 *Uniform complaint procedures*  
4900-4965 *Nondiscrimination in elementary and secondary education programs*

#### **UNITED STATES CODE, TITLE 20**

1400-1482 *Individuals with Disabilities in Education Act*  
1681-1688 *Discrimination based on sex or blindness, Title IX*

#### **UNITED STATES CODE, TITLE 29**

794 *Section 504 of the Rehabilitation Act of 1973*

#### **UNITED STATES CODE, TITLE 42**

2000d-2000d-7 *Title VI, Civil Rights Act of 1964*  
2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*  
2000h-2000h-6 *Title IX*  
12101-12213 *Americans with Disabilities Act*

#### **CODE OF FEDERAL REGULATIONS, TITLE 28**

35.101-35.190 *Americans with Disabilities Act*  
36.303 *Auxiliary aids and services*

#### **CODE OF FEDERAL REGULATIONS, TITLE 34**

100.1-100.13 *Nondiscrimination in federal programs, effectuating Title VI*  
104.1-104.39 *Section 504 of the Rehabilitation Act of 1973*  
106.1-106.61 *Discrimination on the basis of sex, effectuating Title IX, especially:*  
106.9 *Dissemination of policy*



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## **Nutrition Program Compliance (Continued)**

### **Management Resources:**

#### **CALIFORNIA DEPARTMENT OF EDUCATION, NUTRITION SERVICES DIVISION PUBLICATIONS**

*Civil Rights and Complaint Procedures for Child Nutrition Programs*, March 2010

#### **U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS**

*Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1*, November 2005

#### **U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS**

*Protecting Students from Harassment and Hate Crime*, January 1999

*Notice of Non-Discrimination*, January 1999

#### **WEB SITES**

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

U.S. Department of Agriculture, Food and Nutrition Services: <http://www.fns.usda.gov>

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

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**CSBA Sample Board Policy**
**Students**
**BP 5030**

# Student Wellness

**Note:** The Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) repealed 42 USC 1751 Note and added 42 USC 1758b which **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. The following policy fulfills this mandate and should be revised to reflect district practice. Other policies in the district's policy manual will likely contain additional provisions supporting this wellness policy, such as 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 Activity, and BP/AR 6142.8 - Comprehensive Health Education.

Although the district has discretion under 42 USC 1758b to determine specific policies appropriate for its schools, the U.S. Department of Agriculture (USDA) is required to develop regulations that provide a framework and guidelines to assist districts in establishing their student wellness policies and to provide technical assistance through the Centers for Disease Control and Prevention (CDC). Currently the USDA and CDC provide resources and implementation tools on their web sites. In addition, 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.

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 and activity, 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. 3555 - Nutrition Program Compliance)
- (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. 5141.3 - Health Examinations)
- (cf. 5141.31 - Immunizations)
- (cf. 5141.32 - Health Screening for School Entry)
- (cf. 5141.6 - School Health Services)
- (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 and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

- (cf. 1100 - Communication with the Public)
- (cf. 1112 - Media Relations)
- (cf. 1113 - District and School Web Sites)

## Student Wellness (Continued)

(cf. 1114 - District-Sponsored Social Media)

(cf. 6020 - Parent Involvement)

### School Health Council/Committee

**Note:** 42 USC 1758b, as added by P.L. 111-296, requires that specified stakeholders be permitted to participate not only in the development of the district's wellness policy, but also in its implementation and periodic review and update. The list of stakeholders has been expanded to include physical education teachers and school health professionals.

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); see AR 1220 - Citizen Advisory Committees.

The Superintendent or designee shall permit parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b)

**Note:** The remainder of this section is **optional** and may be revised to reflect district practice.

To fulfill this requirement, the Superintendent or designee may appoint a school health council or other district committee whose membership shall include representatives of these groups. He/she also may invite participation of other groups or individuals, such as health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners, and/or others interested in school health issues.

(cf. 1220 - Citizen Advisory Committees)

(cf. 9140 - Board Representatives)

The school health council/committee shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council/committee may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

### Nutrition and Physical Activity Goals

**Note:** 42 USC 1758b, as added by P.L. 111-296, **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 promotion and education, physical activity, and other school-based activities that promote student wellness. (42 USC 1758b)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

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## 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 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 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)*

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, free give-aways, or other means.

*(cf. 1325 - Advertising and Promotion)*

All students 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 and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

*(cf. 5142.2 - Safe Routes to School Program)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

The Board may enter into a joint use agreement to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

*(cf. 1330.1 - Joint Use Agreements)*

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness 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)*

## Student Wellness (Continued)

### Nutritional Guidelines for Foods Available at School

**Note:** 42 USC 1758b, as added by P.L. 111-296, **mandates** that the district's wellness policy include nutritional guidelines, as specified below. P.L. 111-296 repealed the separate requirement that mandated the district's policy to include guidelines for federally reimbursable meals, but now requires that the guidelines for all foods available at school must be consistent with 42 USC 1773 and 1779. Nutritional standards are described in AR 3550 - Food Service/Child Nutrition Program and AR 3554 - Other Food Sales.

For all foods available on each campus during the school day, the district shall adopt nutritional guidelines which are consistent with 42 USC 1773 and 1779 and support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

**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, taking into consideration the needs of students with special dietary needs. 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, 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. 5141.27 - Food Allergies/Special Dietary Needs)*

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.3 - Preschool/Early Childhood Education)*

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 and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

*(cf. 3552 - Summer Meal Program)*

*(cf. 3553 - Free and Reduced Price Meals)*

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. Class parties or celebrations shall be held after the lunch period when possible.

### Program Implementation and Evaluation

The Superintendent shall designate one or more district or school employees, as appropriate, to ensure that each school site complies with this policy. (42 USC 1758b)

**BP 5030**

## Student Wellness (Continued)

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

**Note:** 42 USC 1758b, as added by P.L. 111-296, requires that the district periodically provide an assessment of the implementation of the wellness policy, including comparison of the district's policy with model wellness policies. 42 USC 1758b requires the USDA to provide model policies and best practices recommended by federal and state agencies and nongovernmental organizations; see the USDA's web site.

The Superintendent or designee shall inform and update the public, including parents/guardians, students, and others in the community, about the contents and implementation of this policy. He/she shall periodically measure and make available to the public an assessment of the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

**Note:** Items #1-9 below are **optional** and should be revised to reflect district practice. CSBA's publication *Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide* provides additional 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 by grade level
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, compared to percentage of students eligible for free and reduced-price meals
7. Number of 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, teachers, before- and after-school program staff, and/or other appropriate persons
9. Any other indicators recommended by the Superintendent and approved by the Board

## 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:  
 1758b 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

BP 5030

## Student Wellness (Continued)

### Management Resources:

#### CSBA PUBLICATIONS

*Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement*, 2009  
*Safe Routes to School: Program and Policy Strategies for School Districts*, Policy Brief, 2009  
*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide*, 2007  
*Nutrition Standards for Schools: Implications for Student Wellness*, Policy Brief, rev. October 2007  
*Physical Education and California Schools*, Policy Brief, rev. October 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

*Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve*, 2009  
*Healthy Children Ready to Learn: A White Paper on Health, Nutrition, and Physical Education*, January 2005  
*Health Framework for California Public Schools, Kindergarten Through Grade Twelve*, 2003

#### CALIFORNIA PROJECT LEAN PUBLICATIONS

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

#### CENTER FOR COLLABORATIVE SOLUTIONS

*Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs*, March 2010

#### CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

*School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide*, 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  
*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/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>  
 California School Nutrition Association: <http://www.calsna.org>  
 Center for Collaborative Solutions: <http://www.ccscenter.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.html>

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#### Policy Reference UPDATE Service

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## Safe Routes to School Program

**Note:** The following **optional** policy may be revised to reflect district practice. Districts are encouraged to review CSBA's policy brief, *Safe Routes to School: Program and Policy Strategies for School Districts*, when developing policy on this topic. In addition, districts should consult legal counsel and/or the district's insurance provider regarding any potential liability issues.

Both state and federal grants are available to support local efforts to increase the number of students walking and bicycling to school and to make it safer for them to do so. The federal Safe Routes to Schools (SRTS) program supports both infrastructure and noninfrastructure projects and focuses on grades K-8 (23 USC 148). The state program, referred to as SR2S, provides funding to cities and counties for infrastructure projects in the vicinity of K-12 schools, with up to 10 percent expenditure allowable for noninfrastructure activities (Streets and Highways Code 2333.5). Funding for both federal and state programs is distributed through the California Department of Transportation's (Caltrans) Division of Local Assistance. Questions about program administration may be directed to the Caltrans regional coordinator.

Strategies to promote walking, bicycling, and other forms of active transport to school may be referenced in the district's school wellness policy, adopted pursuant to the federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1758b), which is required to include goals for physical activity; see BP 5030 - Student Wellness. Strategies may also be included in the district's comprehensive safety plan adopted pursuant to Education Code 32282; see AR 0450 - Comprehensive Safety Plan.

The Governing Board recognizes that walking, bicycling, and other forms of active transport to school promote students' physical activity and reduce vehicle traffic and air pollution in the vicinity of schools. As part of the district's coordinated approach to supporting student wellness and safety and enhancing student learning, the Superintendent or designee shall develop and implement strategies to establish and promote safe routes to school program activities.

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 3510 - Green School Operations)  
(cf. 3514 - Environmental Safety)  
(cf. 5030 - Student Wellness)  
(cf. 5142 - Safety)

The Superintendent or designee may identify a program coordinator or establish district and/or school site committees to oversee and coordinate related activities.

The Superintendent or designee may collaborate with local public works and public safety departments, transportation agencies, other city and county agencies, school staff, students, parents/guardians and parent organizations, health organizations, community organizations, and/or businesses in the development, implementation, and evaluation of strategies.

(cf. 1020 - Youth Services)  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 1230 - School-Connected Organizations)  
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)  
(cf. 1700 - Relations Between Private Industry and the Schools)  
(cf. 6020 - Parent Involvement)

Strategies shall be based on the grade levels of the students and an assessment of the conditions and needs of each school and the surrounding neighborhoods.

BP 5142.2

## Safe Routes to School Program (Continued)

**Note:** When local agencies partner together to apply for a state or federal grant, the city or county is generally the lead applicant for infrastructure funding. A school district may be named as the responsible agency for a federal grant if it partners with a city, county, or transportation agency. However, the district may collaborate to find funding sources and also may seek alternative funding sources for district projects and events that are not covered by a grant.

The Superintendent or designee shall explore the availability of grant funds and other sources of funding to support related projects and activities.

*(cf. 1260 - Educational Foundation)*

*(cf. 3100 - Budget)*

*(cf. 3290 - Gifts, Grants and Bequests)*

*(cf. 7110 - Facilities Master Plan)*

**Note:** The following **optional** paragraph may be revised to reflect indicators agreed upon by the Governing Board and Superintendent or designee to assess progress toward program goals. To assist with program evaluation, the National Center for Safe Routes to School (NCSRTS) has developed a standardized survey of parents/guardians' attitudes about allowing their child to walk or bicycle to school as well as student tally forms for recording the modes of travel that students use. NCSRTS recommends that a district use these forms both before and after implementation of a project in order to evaluate changes in attitudes and behaviors. NCSRTS also provides data analysis and report preparation of parent surveys and student tallies. Caltrans requires the use of these evaluation forms by grant recipients.

The Superintendent or designee shall periodically report to the Board on the implementation of program activities and progress toward program goals. Such reports may include, but not be limited to, levels of participation in promotional and educational activities, survey results of parent/guardian attitudes about allowing their child to walk or bicycle to school, tallies of the numbers of students using various modes of travel to and from school and how these numbers have changed over time, records of student attendance and on-time arrival, and injury data within the school and/or district attendance boundaries.

*(cf. 0500 - Accountability)*

### Legal Reference:

#### **EDUCATION CODE**

32283 *Comprehensive safety plan*

45450-45451 *Crossing guards*

#### **GOVERNMENT CODE**

65352.2 *General planning; communication between cities, counties and school districts*

#### **STREETS AND HIGHWAYS CODE**

2333.5 *Safe routes to schools construction program*

#### **VEHICLE CODE**

21200-21212 *Operation of bicycles, especially:*

21212 *Helmet required for bicycle, nonmotorized scooter, skateboard, skates*

21949-21971 *Pedestrian rights and duties*

#### **UNITED STATES CODE, TITLE 23**

148 *Highway safety improvement program*

## Safe Routes to School Program (Continued)

### UNITED STATES CODE, TITLE 42

1758b Local wellness policy

### Management Resources:

#### CSBA PUBLICATIONS

*Safe Routes to School: Program and Policy Strategies for School Districts*, Policy Brief, August 2009

*Building Collaboration: Tools and Ideas for Creating Active Living, Healthy Eating Communities*, August 2009

#### NATIONAL CENTER FOR SAFE ROUTES TO SCHOOL PUBLICATIONS

*Safe Routes to School Guide*

#### NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PUBLICATIONS

*Safe Routes to School Toolkit*, 2002

#### SAFE ROUTES TO SCHOOL NATIONAL PARTNERSHIP PUBLICATIONS

*Safe Routes to School 2009 Policy Report: Moving to the Future: Building on Early Achievements*, March 2009

#### WEB SITES

CSBA: <http://www.csba.org>

California Center for Physical Activity: <http://www.caphysicalactivity.org>

California Department of Transportation, Safe Routes to School: <http://www.dot.ca.gov/hq/LocalPrograms/saferoutes/saferoutes.htm>

National Center for Safe Routes to School: <http://www.saferoutesinfo.org>

National Highway Traffic Safety Administration: <http://www.nhtsa.gov>

Safe Routes to School National Partnership: <http://www.saferoutespartnership.org>

U.S. Department of Transportation, Federal Highway Administration, Safe Routes to School:

<http://safety.fhwa.dot.gov/saferoutes>

## CSBA Sample Administrative Regulation

Students

AR 5142.2

**Safe Routes to School Program**

**Note:** The following **optional** administrative regulation should be revised to reflect district practice. The strategies listed below are organized around the “five E’s” (education, encouragement, enforcement, engineering, and evaluation) recommended for inclusion in all local programs by the U.S. Department of Transportation’s Federal Highway Administration and the National Center for Safe Routes to School’s online resource guide, the *Safe Routes to School Guide*.

District strategies to improve student safety along routes to school and to promote walking, bicycling, and other forms of active transport to school by students may include:

1. Education activities that promote safety and awareness, such as:

- a. Instructing students about pedestrian, bicycle, and personal safety
- b. Instructing students about the health and environmental benefits of walking, bicycling, and other forms of active transport to school

(cf. 3510 - Green School Operations)

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.8 - Comprehensive Health Education)

- c. Offering driver safety education to high school students, parents/guardians, and the community

2. Encouragement strategies designed to generate interest in active transport to school, such as:

- a. Organizing or facilitating “walking school buses” and/or “bicycle trains” whereby students walk or bike to school in groups escorted by parents/guardians or other volunteers as needed
- b. Organizing special events and activities, such as Walk or Bike to School Day, International Walk to School Month, or year-round competitions
- c. Publicizing the district’s efforts in order to build support of parents/guardians and the community, including providing information about the district’s safe routes to school program in parent/guardian communications and in any notifications about transportation options

(cf. 1112 - Media Relations)

(cf. 3540 - Transportation)

(cf. 3541 - Transportation Routes and Services)

3. Enforcement strategies to deter unsafe behaviors of drivers, pedestrians, and bicyclists, such as:

- a. Initiating or expanding crossing guard, student safety patrol, and/or parent/guardian safety patrol programs

(cf. 5142 - Safety)

- b. Partnering with local law enforcement to help ensure that traffic laws are obeyed in the vicinity of schools and to implement appropriate measures such as placement of speed feedback monitors, ticketing, and/or driver safety campaigns
- c. Monitoring to ensure that students who bicycle to school or who use skateboards, skates, or nonmotorized scooters wear helmets in accordance with Vehicle Code 21212

## Safe Routes to School Program (Continued)

4. Engineering strategies that address the design, implementation, operation, and maintenance of traffic control devices or physical measures, such as:

- a. Working with local government agencies, parents/guardians, school staff, and others as appropriate to gather data about environmental conditions and hazards along routes to school

*(cf. 1020 - Youth Services)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1230 - School-Connected Organizations)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 1700 - Relations Between Private Industry and the Schools)*

*(cf. 6020 - Parent Involvement)*

- b. Working with local government agencies to make operational and physical improvements that reduce or eliminate hazards, such as reducing motor vehicle traffic speeds in the area and establishing safer and fully accessible crosswalks, walkways, trails, and bikeways

- c. Assessing the adequacy, accessibility, and safety of bicycle parking at schools and making modifications as needed, such as increasing the number of or relocating bicycle racks and/or equipment storage areas

*(cf. 7111 - Evaluating Existing Buildings)*

- d. Considering safe routes to school when making decisions about siting and designing of new schools

*(cf. 7110 - Facilities Master Plan)*

*(cf. 7150 - Site Selection and Development)*

**Note:** See the accompanying Board policy for additional information about program evaluation, including examples of indicators that may be used to measure program implementation and effectiveness.

5. Evaluation to assess progress toward program goals, including:

- a. Gathering and interpreting data based on indicators established by the Superintendent or designee and the Governing Board
- b. Presenting data to the Board, program partners, and the public
- c. Recommending program modifications as needed

## CSBA Sample Board Policy

Instruction

BP 6142.7

## Physical Education And Activity

**Note:** The following **optional** policy may be revised to reflect district practice and the grade levels offered by the district. See the accompanying administrative regulation for definitions of “physical education” and “physical activity” based on the California Department of Education’s (CDE) 2009 *Physical Education Framework for California Public Schools*.

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 district-wide student wellness policy, including goals for physical activity. See BP 5030 - Student Wellness for language fulfilling this mandate. The following policy also may incorporate goals for physical activity.

Education Code 33352 requires the CDE, as part of the Categorical Program Monitoring (CPM) process, to monitor districts’ compliance with specified state physical education requirements which 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 district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district’s physical education and activity programs shall support the district’s coordinated student wellness program and encourage students’ lifelong fitness.

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

**Note:** Education Code 51210 and 51220 require the district’s course of study for grades 1-12 to include physical education, with an emphasis on physical activities conducive to health and vigor of body and mind; see AR 6143 - Courses of Study. The CDE’s 2009 *Physical Education Framework* describes components of a comprehensive physical education program based on the voluntary *Physical Education Model Content Standards* adopted by the State Board of Education (SBE).

The district’s physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state’s model content standards and curriculum framework. The Superintendent or designee shall ensure that the district’s program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

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

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

**Note:** The following two **optional** paragraphs are for use by districts that maintain high schools.

According to the CDE’s *Physical Education Framework*, it is the obligation of the Governing Board to determine whether to grant physical education credit for a particular course, including, but not limited to, junior ROTC, marching band, cheerleading, or drill team. In making this determination, the Board must determine how the particular course supports an overall course of study for grades 9-12 that includes the eight content areas specified in Education Code 33352 and 5 CCR 10060 for physical education programs. While it is not necessary that each individual course include all eight content areas, the course offerings must be structured so that all students receive opportunities for instruction in each of the eight areas across grades 9-12. The CDE’s *Physical Education FAQs* add that any course for which physical education credit is granted must also meet requirements in Education Code 33352 pertaining to minimum instructional minutes, various reporting requirements, and the assignment of an appropriately credentialed teacher.



BP 6142.7

## Physical Education and Activity (Continued)

The overall course of study for grades 9-12 shall include 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. (Education Code 33352; 5 CCR 10060)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

(cf. 6146.1 - *High School Graduation Requirements*)

(cf. 6146.11 - *Alternative Credits Toward Graduation*)

**Note:** The following **optional** paragraph is for use by all districts and may be revised to reflect district practice. The U.S. Department of Health and Human Services' (HHS) *2008 Physical Activity Guidelines for Americans* recommends that children and adolescents participate in at least 60 minutes of moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. To help reach this goal, HHS recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time. See the accompanying administrative regulation for definitions of "moderate physical activity" and "vigorous physical activity." Also see CSBA's Fact Sheet on *Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes*.

The district's physical education program shall engage students in moderate to vigorous physical activity, as defined in the accompanying administrative regulation, for at least 50 percent of class or session time. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

(cf. 6159 - *Individualized Education Program*)

(cf. 6164.6 - *Identification and Education Under Section 504*)

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. 3514 - *Environmental Safety*)

(cf. 5141.7 - *Sun Safety*)

### Staffing

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

(cf. 1240 - *Volunteer Assistance*)

(cf. 4112.2 - *Certification*)

(cf. 4222 - *Teacher Aides/Paraprofessionals*)

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

(cf. 4131 - *Staff Development*)

(cf. 5121 - *Grades/Evaluation of Student Achievement*)

BP 6142.7

## Physical Education and Activity (Continued)

### Physical Fitness Testing

**Note:** The following section 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 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; 5 CCR 1041)

### Temporary Exemptions

**Note:** The following section is **optional**. Education Code 51241 authorizes, but does not require, the district 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:** The following **optional** section is for use by districts that maintain grades 10-12. Education Code 51241 authorizes, but does not require, the district to grant a two-year exemption from physical education to eligible students in grades 10-12.

Pursuant to Education Code 51241, in order to be eligible for the two-year exemption, students are required to “satisfactorily” meet at least five of the six standards of the state’s physical fitness test in grade 9. Students are considered to have satisfactorily met a standard on the FITNESSGRAM if they score in the “healthy fitness zone” on that standard. 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.

With the student’s consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least 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**.



BP 6142.7

## Physical Education and Activity (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 to an individual student 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 an individual 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 courses. **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)

BP 6142.7

## **Physical Education and Activity (Continued)**

### **Additional Opportunities for Physical Activity**

**Note:** The following section is **optional**. See the accompanying administrative regulation for sample strategies for physical activity opportunities outside the physical education program. Also see CSBA's Fact Sheet on *Maximizing Opportunities for Physical Activity During the School Day*.

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

(cf. 1330.1 - *Joint Use Agreements*)  
(cf. 5142.2 - *Safe Routes to School Program*)  
(cf. 5148 - *Child Care and Development Program*)  
(cf. 5148.2 - *Before/After School Program*)  
(cf. 6145 - *Extracurricular and Cocurricular Activities*)  
(cf. 6145.5 - *Student Organizations and Equal Access*)

### **Program Evaluation**

**Note:** The following **optional** section should be revised to reflect district practice. Districts that do not maintain high schools or do not offer any of the exemptions described in the sections above on "Two-Year Exemptions" or "Permanent Exemptions" should modify the following paragraph to delete reports of two-year and permanent exemptions.

The Superintendent or designee shall annually report to the Board the results of the state 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, 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*)

### **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*  
51222 *Physical education*  
51223 *Physical education, elementary schools*  
51241 *Temporary, two-year 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*



BP 6142.7

## Physical Education and Activity (Continued)

### 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

*Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet*, February 2010  
*Maximizing Opportunities for Physical Activity Through Joint Use of Facilities*, Policy Brief, rev. February 2010  
*Maximizing Opportunities for Physical Activity During the School Day*, Fact Sheet, November 2009  
*Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes*, Fact Sheet, November 2009  
*Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement*, 2009  
*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 PUBLICATIONS

*Physical Education Framework for California Public Schools: Kindergarten Through Grade 12*, 2009  
*Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12*, January 2005  
*Adapted Physical Education Guidelines for California Schools*, 2003

#### 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

#### U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

*2008 Physical Activity Guidelines for Americans*, October 2008

#### WEB SITES

CSBA: <http://www.csba.org>  
 California Department of Education, Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>  
 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>  
 Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/cpf>  
 Healthy People 2010: <http://www.healthypeople.gov>  
 National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>  
 President's Council on Physical Fitness and Sports: <http://www.fitness.gov>  
 The California Endowment: <http://www.calendow.org>  
 U.S. Department of Health and Human Services: <http://www.health.gov>

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## CSBA Sample Administrative Regulation

Instruction

AR 6142.7

## Physical Education and Activity

### Definitions

**Note:** The following **optional** section reflects definitions provided in the California Department of Education's (CDE) 2009 *Physical Education Framework for California Public Schools*.

*Physical education* is a sequential educational program that teaches students to understand and participate in regular physical activity for developing and maintaining physical fitness throughout their lifetimes, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

*Physical activity* is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

*Moderate physical activity* is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

*Vigorous physical activity* is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

### 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 requires that all students, except students excused or exempted pursuant to Education Code 51241, 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 grades 1-6 of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period. The CDE'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.

When determining the number of instructional minutes, it is recommended that districts exclude time spent walking to and from class or engaging in other physical activity conducted outside the physical education instructional program, such as in regular classroom activities or before/after school programs.

#### **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)**



AR 6142.7

## Physical Education and Activity (continued)

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)

*(cf. 6178.2 - Regional Occupational Center/Program)*

### Monitoring Moderate to Vigorous Physical Activity

**Note:** The following **optional** section may be revised to reflect district practice. See the accompanying Board policy for language establishing an expectation for students to be engaged in moderate to vigorous physical activity for 50 percent of physical education class/session time.

To monitor whether students are engaged in moderate to vigorous physical activity for at least 50 percent of physical education class or session time, the Superintendent or designee may:

1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity or the number of students who are inactive during physical education classes
2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes

*(cf. 4115 - Evaluation/Supervision)*

### 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 has designated FITNESSGRAM as the required physical fitness test. Pursuant to 5 CCR 1041, this requirement also applies to students who attend schools that are on a block schedule and students who may not be enrolled in physical education classes during the annual assessment window.

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.

AR 6142.7

## Physical Education and Activity (Continued)

During the annual assessment window between the months of February through 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; 5 CCR 1041)

(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 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 and shall be included in his/her cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

(cf. 5125 - Student Records)

**Note:** The following paragraph is **optional**.

Each student's test results shall also be provided to his/her parents/guardians.

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)

### Testing Variations

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

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

## Physical Education and Activity (Continued)

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

### Additional Opportunities for Physical Activity

**Note:** The following **optional** section may be revised to reflect district practice. Item #1 below should be modified or deleted by districts that do not maintain elementary schools.

The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

1. Training recess and lunch supervisors on methods to engage students in moderate to vigorous physical activity  
(*cf. 1240 - Volunteer Assistance*)  
(*cf. 4231 - Staff Development*)  
(*cf. 5030 - Student Wellness*)
2. Encouraging teachers to incorporate physical activity into the classroom
3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, special events, and competitions  
(*cf. 6145 - Extracurricular and Cocurricular Activities*)  
(*cf. 6145.5 - Student Organizations and Equal Access*)
4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs

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## **Physical Education and Activity (Continued)**

*(cf. 5148 - Child Care and Development Program)*  
*(cf. 5148.2 - Before/After School Program)*

5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities

*(cf. 1330.1 - Joint Use Agreements)*

6. Developing business partnerships to maximize resources for physical activity equipment and programs

*(cf. 1700 - Relations Between Private Industry and the Schools)*

7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school

*(cf. 5142.2 - Safe Routes to School Program)*

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## Comprehensive Health Education

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

The Governing Board believes that health education should foster the knowledge, skills, and attitudes that students need in order to lead healthy lives and avoid high-risk behaviors. The district's health education program shall be part of a coordinated school health system which supports the well-being of students and is linked to district and community services and resources.

(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. 5131.6 - Alcohol and Other Drugs)  
(cf. 5131.63 - Steroids)  
(cf. 5141.22 - Infectious Diseases)  
(cf. 5141.23 - Asthma Management)  
(cf. 5141.3 - Health Examinations)  
(cf. 5141.32 - Health Screening for School Entry)  
(cf. 5141.4 - Child Abuse Prevention and Reporting)  
(cf. 5141.6 - School Health Services)  
(cf. 5141.7 - Sun Safety)  
(cf. 5142 - Safety)  
(cf. 5146 - Married/Pregnant/Parenting Students)  
(cf. 6164.2 - Guidance/Counseling Services)

**Note:** The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note) requires each district participating in the National School Lunch program (42 USC 1751-1769) or any program in the Child Nutrition Act of 1966, including the School Breakfast Program (42 USC 1771-1791), to adopt a districtwide school wellness policy which includes 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 include, but not be limited to, goals for nutrition education and physical activity.

(cf. 0200 - Goals for the School District)  
(cf. 5030 - Student Wellness)  
(cf. 6142.7 - Physical Education and Activity)

**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. Education Code 51202 requires that certain health-related topics be addressed at the appropriate elementary and secondary grade levels and in appropriate subject areas, 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.

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## Comprehensive Health Education (Continued)

In March 2008, the State Board of Education adopted voluntary content standards for health education as required by Education Code 51210.8; see the accompanying administrative regulation. The state's *Health Framework for California Public Schools*, provides nonprescriptive guidance on the scope and sequence of the health curriculum.

The district shall provide a planned, sequential, research-based, and developmentally appropriate health education curriculum for students in grades K-12 which is aligned with the state's content standards and curriculum framework. The Superintendent or designee shall determine the grade levels and subject areas in which health-related topics will be addressed, in accordance with law, Board policy, and administrative regulation.

*(cf. 6011 - Academic Standards)*

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

*(cf. 6143 - Courses of Study)*

**Note:** The following **optional** paragraph may be revised to reflect district practice. Education Code 51890 defines a "comprehensive health education program" as one that includes community participation in the classroom. Education Code 51891 defines "community participation" as including participation by parents/guardians, practicing health care and public safety personnel, and public and private health care and service agencies in the planning, implementation, and evaluation of the program.

As appropriate, the Superintendent or designee shall involve school administrators, teachers, school nurses, health professionals representing various fields of health care, parents/guardians, community-based organizations, and other community members in the development, implementation, and evaluation of the district's health education program. Health and safety professionals may be invited to provide related instruction in the classroom, school assemblies, and other instructional settings.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1240 - Volunteer Assistance)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 1700 - Relations Between Private Industry and the Schools)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6145.8 - Assemblies and Special Events)*

*(cf. 6162.8 - Research)*

The Superintendent or designee shall provide professional development as needed to ensure that health education teachers are knowledgeable about academic content standards and effective instructional methodologies.

*(cf. 4131 - Staff Development)*

**Note:** The following **optional** paragraph should be revised to reflect indicators agreed upon by the Governing Board and Superintendent for evaluating the district's health education program.

The Superintendent or designee shall provide periodic reports to the Board regarding the implementation and effectiveness of the district's health education program which may include, but not be limited to, a description of the district's program and the extent to which it is aligned with the state's content standards and curriculum framework, the amount of time allotted for health instruction at each grade level, and student achievement of district standards for health education.



## Comprehensive Health Education (Continued)

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

### 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

49490-49494 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

51210.8 State content standards for health education

51220.5 Parenting skills; areas of instruction

51260-51269 Drug education

51513 Personal beliefs

51880-51881.5 Health education, legislative findings and intent

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

*Asthma Management in the Schools*, Policy Brief, March 2008

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

*Physical Education and California Schools*, Policy Brief, rev. October 2007

*Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools*, Policy Brief, March 2007

*Sun Safety in Schools*, Policy Brief, July 2006

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide*, rev. April 2006

#### AMERICAN ASSOCIATION FOR HEALTH EDUCATION PUBLICATIONS

*National Health Education Standards: Achieving Excellence*, 2007

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve*, 2008

*Health Framework for California Public Schools: Kindergarten Through Grade Twelve*, 2003

#### WEB SITES

CSBA: <http://www.csba.org>

American Association for Health Education: <http://www.aahperd.org>

American School Health Association: <http://www.ashaweb.org>

California Association of School Health Educators: <http://www.cashe.org>

California Department of Education, Health Education: <http://www.cde.ca.gov/ci/he>

California Department of Public Health: <http://www.cdph.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Subject Matter Project, Physical Education-Health Project: <http://csmp.ucop.edu/cpehp>

Center for Injury Prevention Policy and Practice: <http://www.cipp.org>

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## **Comprehensive Health Education (Continued)**

*Centers for Disease Control and Prevention: <http://www.cdc.gov>*

*National Center for Health Education: <http://www.nche.org>*

*National Hearing Conservation Association: <http://www.hearingconservation.org>*

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*CSBA Sample Administrative Regulation*

Instruction

AR 6142.8

**Comprehensive Health Education****Content of Instruction**

**Note:** Items #1-6 below reflect six content areas delineated in the voluntary content standards for health education adopted by the State Board of Education in March 2008. The district may revise the following list to reflect the topics to be addressed in the district's program.

The district's health education program shall include instruction at the appropriate grade levels in the following content areas:

## 1. Alcohol, tobacco, and other drugs

*(cf. 3513.3 - Tobacco-Free Schools)*

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.63 - Steroids)*

## 2. Human growth, development, and sexual health

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)*

**Note:** The **optional** paragraph under item #3 below includes examples of topics that are addressed in the state content standards within the content area of injury prevention and safety. 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.

## 3. Injury prevention and safety

Instruction related to injury prevention and safety may include, but is not limited to, first aid, protective equipment such as helmets, prevention of brain and spinal cord injuries, violence prevention, topics related to bullying and harassment, and Internet safety.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 3543 - Transportation Safety and Emergencies)*

*(cf. 5131 - Conduct)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5142 - Safety)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

*(cf. 6163.4 - Student Use of Technology)*

## 4. Mental, emotional, and social health

*(cf. 5137 - Positive School Climate)*

*(cf. 5141.52 - Suicide Prevention)*

*(cf. 5149 - At-Risk Students)*

## 5. Nutrition and physical activity

*(cf. 3550 - Food Service/Child Nutrition Program)*

*(cf. 5030 - Student Wellness)*

*(cf. 6142.7 - Physical Education and Activity)*

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## Comprehensive Health Education (Continued)

**Note:** The **optional** paragraph under item #6 below includes examples of topics that are addressed in the state content standards within the content area of personal and community health.

### 6. Personal and community health

Instruction in personal and community health may include, but is not limited to, oral health, personal hygiene, sun safety, hearing protection, transmission of germs and communicable diseases, symptoms of common health problems and chronic diseases such as asthma and diabetes, emergency procedures, and the effect of behavior on the environment.

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

*(cf. 5141 - Health Care and Emergencies)*

*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5141.23 - Asthma Management)*

*(cf. 5141.7 - Sun Safety)*

*(cf. 5146 - Married/Pregnant/Parenting Students)*

*(cf. 6142.5 - Environmental Education)*

**Note:** Items #1-6 below combine eight “overarching standards” described in the state content standards as essential concepts and skills to be taught to students.

Within each of the above content areas, instruction shall be designed to assist students in developing:

1. An understanding of essential concepts related to enhancing health
2. The ability to analyze internal and external influences that affect health
3. The ability to access and analyze health information, products, and services  
*(cf. 5141.6 - School Health Services)*
4. The ability to use interpersonal communication skills, decision-making skills, and goal-setting skills to enhance health
5. The ability to practice behaviors that reduce risk and promote health
6. The ability to promote and support personal, family, and community health

### Exemption from Health Instruction

**Note:** Pursuant to Education Code 51513, districts may not administer exams, surveys, or questionnaires containing questions about a student’s or his/her family’s personal beliefs or practices in sex, family life, morality, and religion unless the student’s parent/guardian has provided prior written consent. See AR 5022 - Student and Family Privacy Rights.



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## Comprehensive Health Education (Continued)

Upon written request from a parent/guardian, a student shall be excused from any part of 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. 5022 - Student and Family Privacy Rights)*

*(cf. 6141.2 - Recognition of Religious Beliefs and Customs)*

*(cf. 6145.8 - Assemblies and Special Events)*

Students so excused shall be given an alternative educational activity.

### Involvement of Health Professionals

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

*(cf. 1325 - Advertising and Promotion)*

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