

FOOD SERVICE/CHILD NUTRITION PROGRAM

The Governing Board recognizes that students need adequate, nourishing food in order to grow, learn and maintain good health. The Board desires to provide students with adequate space and time to eat meals. To reinforce the district's nutrition education program, foods available on school premises shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease
2. Meet nutritional standards specified in law and administrative regulation
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 quantities and at reasonable prices

(cf. 3312 - Contracts)

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3554 - Other Food Sales)

(cf. 5141.32 - Child Health and Disability Prevention Program)

(cf. 6142.8 - Comprehensive Health Education)

The Superintendent or designee shall develop strategies designed to encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus. Parents/guardians are encouraged to support the district's nutrition education efforts by considering nutritional quality when selecting any snacks which they may donate for occasional class parties.

Legal Reference:

EDUCATION CODE

38080-38103 Cafeteria, establishment and use

45103.5 Contracts for management consulting services; restrictions

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

49490-49493 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act

Legal References continued: (see next page)

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

49540-49546 *Child care food program*
49547-49548.3 *Comprehensive nutrition services*
49550-49560 *Meals for needy students*
49570 *National School Lunch Act*
HEALTH AND SAFETY CODE
113700-114455 *California Uniform Retail Food Facilities Law*
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 *School lunch programs*
1771-1791 *Child nutrition, especially:*
1773 *School breakfast program*
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 *National School Lunch Program*
220.1-220.21 *National School Breakfast Program*

Management Resources:

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

CDC PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

NASBE PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

USDA PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

American School Food Service Association (ASFSA): <http://www.asfsa.org>

CDE, Nutrition Services Division/ SHAPE California: <http://www.cde.ca.gov/nsd>

CDHS, School Health Connections: [http://www.mch.dhs.ca.gov/ programs/shc/shc.htm](http://www.mch.dhs.ca.gov/programs/shc/shc.htm)

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

Management References continued: (see next page)

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

National School Boards Association: <http://www.schoolhealth@nsba.org>

National Association of State Boards of Education (NASBE): <http://www.boards@nasbe.org>

U.S. Dept. of Agriculture, Food and Nutrition Information Center (FNIC):

<http://www.nal.usda.gov/fnic>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

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FREE AND REDUCED-PRICE MEALS

The Governing Board recognizes that adequate nutrition is essential to child development and learning and that some families may be unable to provide breakfast and lunch for their children. In accordance with law, the district shall provide nutritionally adequate free and reduced price meals for students whose families meet federal eligibility criteria.

The Superintendent or designee shall recommend for Board approval a plan that ensures that students eligible to receive free or reduced price meals and milk are not treated differently from other students or easily identified by their peers.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

Upon approval of the Board, this plan shall be submitted to the California Department of Education for approval. (Education Code 49557)

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

In accordance with law, the Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program for the purpose of: (Education Code 49558)

1. Disaggregation of academic achievement data
2. Identification of students eligible for school choice and supplemental educational services in any school identified for program improvement

(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)

(cf. 6190 - Evaluation of the Instructional 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 as provided by Education Code 49557.2.

(cf. 5141.6 - Student Health and Social Services)

FREE AND REDUCED-PRICE MEALS (continued)

Legal Reference:

EDUCATION CODE

48980 *Notice at beginning of term*
49490-49494 *School breakfast and lunch programs*
49500-49505 *School meals*
49510-49520 *Nutrition*
49530-49536 *Child Nutrition Act of 1974*
49547-49548.3 *Comprehensive nutrition service*
49550-49560 *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

1751-1769 *National lunch programs*
1771-1791 *Child nutrition*

CODE OF FEDERAL REGULATIONS, TITLE 7

245.1-245.13 *Determination of eligibility for free and reduced price meals*

Management Resources:

CDE LEGAL ADVISORIES

0325.98 *Education Code Section 49558 LO: 1-98*

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

USDA PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

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

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN: <http://www.californiaprojectlean.org>

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

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. Pursuant to 7 CFR 210.11 and 220.12, districts participating in the National School Lunch and School Breakfast Programs are mandated to establish rules or regulations to control the sale of food in competition with the breakfast and lunch programs. For policy addressing sales by food service or cafeteria programs, see BP/AR 3550 - Food Service/Child Nutrition Program. ****

The Governing Board authorizes the Superintendent or designee to approve the sale of food items and beverages outside the district's food services program, including sales by student or adult organizations, sales through vending machines and/or sales at secondary school student stores for fundraising purposes.

Any food sales conducted outside the district's food services program shall meet nutritional standards specified in law, Board policy and administrative regulations and shall not impair student participation in the district's food service program (Appendix A).

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3553 - Free and Reduced Price Meals)

Food sales are prohibited during school hours, and within one hour before or after school hours, unless the organization is legally organized as a nonpartisan, charitable organization, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved in accordance with Board policy. (Education Code 51520)

(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)

OTHER FOOD SALES (continued)

Legal Reference:

EDUCATION CODE

38085 Sale of specified food items

48931 Authorization and sale of food

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

51520 School premises; prohibited solicitations

CODE OF REGULATIONS, TITLE 5

15500 Food sales in elementary schools

15501 Sales in high schools and junior high schools

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law, including:

114200-114245 Vending machines

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Act

1771-1791 Child Nutrition

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

Healthy Food Policy Resource Guide, 2003

CDC PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

NASBE PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

USDA PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

FCMAT PUBLICATIONS

Associated Student Body Accounting Manual and Desk Reference, 2002

WEB SITES

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

CDE, Nutrition Services Division/SHAPE California: <http://www.cde.ca.gov/nsd>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

Management Resources continued: (see next page)

OTHER FOOD SALES (continued)

Fiscal and Crisis Management Assistance Team: <http://www.fcmat.org>

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

National School Boards Association: <http://www.schoolhealth@nsba.org>

National Association of State Boards of Education (NASBE): <http://www.boards@nasbe.org>

US Dept. of Agriculture, Food and Nutrition Information Center (FNIC):

<http://www.nal.usda.gov/fnic>

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OTHER FOOD SALES (continued)

Appendix A

Nutrition Standards for School Districts

Following is an overview of state and federal requirements for creating healthy school environments. These are already in effect, or soon will be.

▼ **Standards for fat, sugar and calories:** Senate Bill 12 sets standards for allowable levels of fat, sugar and calories for all foods sold at California schools, other than full school meals. These standards go into effect in July 2007. Specific requirements are set for elementary, middle/junior and high school levels (some exemptions exist):

- Not more than 35 percent of a snack's total calories shall be from fat in middle, junior and high schools, except food served as part of the NSLP or SBP.
- Not more than 10 percent of a snack's total calories shall be from saturated fat; not more than 35 percent of a snack's total weight shall be composed of sugar, including naturally occurring and added sugar.
- Not more than 175 calories per individual food item in elementary schools, and no more than 250 calories per item in junior high schools.
- Entrée items, except food served as part of the NSLP or SBP, shall contain no more than 400 calories per entrée, no more than 4 grams of fat per 100 calories, and shall be categorized as entrée items in the NSLP or SBP.

▼ **Beverages:** SB965 prevents soda and other non-compliant beverages from being sold in all California public schools, including high schools, from one-half hour before the start of the school day to one-half hour after the school day. Certain fruit-and vegetable-based drinks, water, low-fat milk and electrolyte replacement beverages can be sold. By July 2007, at least 50 percent of all beverages sold must meet the criteria. By July 2009, all must comply.

▼ **Foods of Minimal Nutritional Value:** USDA requirements prohibit the sale of FMNV during meal periods anywhere reimbursable meals are sold or eaten. FMNV include carbonated beverages, water ices, chewing gum and candies made predominately from sugar and corn syrup. To the extent that schools lack a cafeteria, FMNV may not be sold anywhere on campus during the meal period; that is, from the time students are released from class to the time they return. Local school wellness policies, required by the 2004 Child Nutrition Act, to be developed by each school district and implemented by the school year beginning after July 2006, must include, but are not limited to, the district's plan for complying with the USDA FMNV requirements.

OTHER FOOD SALES (continued)

v **Competitive foods:** State law (Education Code 38085) requires that 50 percent of the foods sold outside of the NSLP or SBP (competitive foods) must come from a list of foods specified in statute, including (but not limited to) milk and dairy products, fruit or vegetable juice with 50 percent or more juice and fruit nectars, fresh, frozen, canned or dried fruits and vegetables, nut seeds and nut butters, bread/grain products and products made with legumes. State regulations indicate that student organizations at junior high may sell food during the school day if: 1) the specific nutritious food items are approved by the local governing board; 2) only one such organization each school day sells no more than three types of food and beverage items, and/or food sales by multiple organizations occur no more than four times yearly; 3) the food items sold are not prepared on the premises; and 4) the food items sold are not sold by the district's food service program.

STUDENT WELLNESS

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

(cf. 0000 – Vision)

(cf. 0200 – Goals for the School District)

(cf. 3513.3 – Tobacco-Free Schools)

(cf. 3514 – Environmental Safety)

(cf. 5131.6 – Alcohol and Other Drugs)

(cf. 5131.61 – Drug Testing)

(cf. 5131.62 – Tobacco)

(cf. 5131.63 – Steroids)

(cf. 5141 – Health Care and Emergencies)

(cf. 5141.23 – Infectious Disease Prevention)

(cf. 5141.3 – Health Examinations)

(cf. 5141.31 – Immunizations)

(cf. 5141.32 – Health Screening for School Entry)

(cf. 5141.6 – Student Health and Social Services)

(cf. 5142 – Safety)

(cf. 6142.1 – Sexual Health and HIV/AIDS Prevention Education)

(cf. 6164.2 – Guidance/Counseling Services)

Wellness Committee

The Board's policy related to student wellness was developed with the involvement of parents/guardians, students, school administrators, Board representatives, and members of the public. (42 USC 1751 Note)

Nutrition Education and Physical Activity Goals

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 designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6010 – Goals and Objectives)

(cf. 6011 – Academic Standards)

(cf. 6143 – Courses of Study)

STUDENT WELLNESS (continued)

Nutrition education shall be provided as part of the health education program in grades K-8 and, as appropriate, shall be integrated into core academic subjects and may be offered through before-and after-school programs.

(cf. 6142.8) – Comprehensive Health Education)

All students in grades K-8 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, school athletic programs, extracurricular programs, before- and after-school programs, and other structured and unstructured activities.

(cf. 6142.7 – Physical Education)

(cf. 6145 – Extracurricular and Cocurricular Activities)

(cf. 6145.2 – Athletic Competition)

The Superintendent or designee shall encourage staff to serve as positive role models. He/she shall promote and may provide opportunities for regular physical activity among employees.

Professional development shall include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

(cf. 4131 – Staff Development)

(cf. 4331 – Staff Development)

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

(cf. 1113 – District and School Web Sites)

(cf. 6020 – Parent Involvement)

The Board prohibits the marketing and advertising of foods and beverages that do not meet nutritional guidelines (see Appendix A) through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, or other means.

(cf. 1325 – Advertising and Promotion)

STUDENT WELLNESS (continued)**Nutrition Guidelines for Foods Available at School**

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

(cf. 3312 – Contracts)

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

(cf. 3554 – Other Food Sales)

(cf. 5148 – Child Care and Development)

(cf. 6300 – Preschool/Early Childhood Education)

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

(cf. 1230 – School-Connected Organizations)

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

Guidelines for Reimbursable Meals

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 178(f)(1), 1766(a), and 1779(a) and (b), as they apply to schools. (42 USC 1751 Note)

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

(cf. 3553 – Free and Reduced Price Meals)

STUDENT WELLNESS (continued)**Program Implementation and Evaluation**

The Superintendent or designee shall recommend for Board approval specific quality indicators that will be used to measure the implementation of the policy districtwide and at each district school. These measures shall include, but not be limited to, an analysis of the nutritional content of meals served; student participation rates in school meal programs; any sales of non-nutritious foods and beverages in fundraisers or other venues outside the district's meal programs; and feedback from food service personnel, school administrators, the school health council, parents/guardians, students, and other appropriate persons.

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

Posting Requirements

Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school offices, and near food service or eating areas. (Education Code 49432)

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**

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

49490-49493 *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*

49550-49560 *Meals for needy students*

49565-49565.8 *California Fresh Start pilot program*

49570 *National School Lunch Act*

51222 *Physical education*

51223 *Physical education, elementary schools*

Legal References continued: (see next page)

STUDENT WELLNESS (continued)

CODE OF REGULATIONS, TITLE 5

15500-15501 *Food sales by student organizations*

15510 *Mandatory meals for needy students*

15530-15535 *Nutrition education*

15550-15565 *School lunch and breakfast programs*

UNITED STATES CODE, TITLE 42

1751-1769 *National School Lunch Program, especially:*

1751 *Note Local wellness policy*

1771-1791 *Child Nutrition Act, including:*

1773 *School Breakfast Program*

1779 *Rules and regulations, Child Nutrition Act*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*

220.1-220.21 *National School Breakfast Program*

Management Resources:

CSBA POLICY BRIEFS

The New Nutrition Standards: Implications for Student Wellness Policies, November 2005

CSBA PUBLICATIONS

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Healthy Children Ready to Learn, January 2005

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

Physical Education Framework for California Public Schools, Kindergarten Through Grade 12, 1994

CENTERS FOR DISEASE CONTROL PUBLICATIONS

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

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION (NASBE) PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

Management Resources continued: (see next page)

STUDENT WELLNESS (continued)

California Department of Education, Nutrition Services Division:

<http://www.cde.ca.gov/ls/nu>

California Department of Health Services: <http://www.mch.dhs.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 (CDC): <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.boards@nasbe.org>

National School Boards Association: <http://www.schoolhealth@nsba.org>

School Nutrition Association: <http://www.asfsa.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture:

http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html

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PHYSICAL EDUCATION

The Governing Board recognizes the positive benefits of physical activity for student health and academic achievement. The Board desires to provide a physical education program that builds interest and proficiency in movement skills and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities should teach students how to cooperate in the achievement of common goals.

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

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6145.2 - Athletic Competition)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6190 - Evaluation of the Instructional Program)

The components of the physical education program shall include a variety of kinesthetic activities, including team and individual sports, as well as aesthetic movement forms, such as dance.

(cf. 6143 - Courses of Study)

An appropriate alternative activity shall be provided for students with a physical disability that may restrict excessive physical exertion.

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

Physical education staff shall appropriately limit the amount or type of physical exercise required of students during air pollution episodes, hot weather or other inclement conditions.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Exemptions

The Superintendent or designee may grant temporary exemption from physical education under any of the following conditions:

1. The student is ill or injured and a modified program to meet his/her needs cannot be provided. (Education Code 51241)
2. The student is enrolled for one-half time or less. (Education Code 51241)

No Independent Physical Education contracts will be granted.

PHYSICAL EDUCATION (continued)

Legal Reference:

EDUCATION CODE

33350 *CDE responsibilities re: physical education*

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 or permanent exemption from physical education*

51242 *Exemption from physical education for athletic program participants*

52316 *Excuse from attending physical education classes*

60800 *Physical performance test*

CODE OF REGULATIONS, TITLE 5

1041-1046 *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*

ATTORNEY GENERAL OPINIONS

53 *Ops.Cal.Atty.Gen. 230 (1970)*

Management Resources:

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

CDE PUBLICATIONS

Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 1996

CDE PROGRAM ADVISORIES

0418.89 *Physical Education, April 18, 1989*

CDHS PUBLICATIONS

Jump Start Teens, 1997

Playing the Policy Game, 1999

School Idea and Resource Mini Kit, 2000

CDC PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

NASBE PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

Management Resources continued: (see next page)

PHYSICAL EDUCATION (continued)

WEB SITES

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

CDE, Nutrition Services Division/SHAPE California: <http://www.cde.ca.gov/nsd>

CDHS, School Health Connections: <http://www.mch.dhs.ca.gov/programs/shc/shc.htm>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

National School Boards Association: <http://www.schoolhealth@nsba.org>

National Association of State Boards of Education (NASBE): <http://www.boards@nasbe.org>

Centers for Disease Control and Prevention (CDC):<http://www.cdc.gov>

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COMPREHENSIVE HEALTH EDUCATION

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

The district shall provide a planned, sequential health education curriculum for students in grades K-8 that is research based and age appropriate. The content of health instruction shall be offered in accordance with law, Board policy, administrative regulation and state curriculum frameworks.

(cf. 6143 - Courses of Study)

The Board intends for health education to be part of a comprehensive district program to promote the health and well-being of students and staff. Instruction in health-related topics shall be supported by physical education, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment.

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3514 - Environmental Safety)

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

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 4119.43/4219.23/4319.23 - Universal Precautions)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - Student Health and Social Services)

(cf. 5142 - Safety)

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

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)

(cf. 6142.7 - Physical Education)

(cf. 6164.2 - Guidance/Counseling Services)

COMPREHENSIVE HEALTH EDUCATION (continued)

Legal Reference:

EDUCATION CODE

233.5 Duty concerning instruction of students

8850.5 Family relationships and parenting education

35183.5 Sun protection

49413 First aid training

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

49490-49493 School breakfast and lunch programs

49500-49505 School meals

51202 Instruction in personal and public health and safety

51203 Instruction on alcohol, narcotics and dangerous drugs

51210 Areas of study

51220.5 Parenting skills; areas of instruction

51260-51269 Drug education

51265 Gang violence and drug and alcohol abuse prevention inservice

51513 Personal beliefs

51890-51891 Comprehensive health education programs

51913 District health education plan

51920 Inservice training, health education

51930-51939 Comprehensive sexual health and HIV/AIDS prevention education

CODE OF REGULATIONS, TITLE 5

11800-11801 District health education plan

Management Resources:

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

CDE PUBLICATIONS

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

CDHS PUBLICATIONS

Jump Start Teens, 1997

Playing the Policy Game, 1999

School Idea and Resource Mini Kit, 2000

WEB SITES

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

CDE: <http://www.cde.ca.gov>

CDHS, School Health Connections: <http://www.mch.dhs.ca.gov/programs/shc/shc.htm>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

Management Resources continued: (see next page)

COMPREHENSIVE HEALTH EDUCATION (continued)

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

National Hearing Conservation Association: <http://www.hearingconservation.org>

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FOOD SERVICE/CHILD NUTRITION PROGRAM

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)

(cf. 6142.7 - Physical Education)

Nutritional Standards

When the California Department of Education determines that funds are appropriated pursuant to Education Code 49431, the Superintendent or designee shall ensure that elementary schools instead comply with the following nutritional standards: (Education Code 49431)

1. The only food that may be sold to students during breakfast and lunch periods is food that is sold as a full meal. However, fruits, non-fried vegetables, legumes, beverages, dairy products or grain products may be sold as individual food items if:
 - a. Not more than 35 percent of the total calories of the food item, excluding nuts or seeds, is from fat.
 - b. Not more than 10 percent of the food item's total calories is from saturated fat.
 - c. Not more than 35 percent of the total weight of the food item, excluding fruits or vegetables, is composed of sugar.
2. Any individual food item sold to students during morning or afternoon breaks shall meet the standards in item #1a-c above.

The following nutritional standards shall apply to all beverages provided in the district's food services program: (Education Code 49431.5)

1. Regardless of the time of day, the only beverages that may be sold to elementary students are water, milk, 100 percent fruit juices, or fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners.
2. The only beverages that may be sold to middle school students from one-half hour before the start of the school day until after the end of the last lunch period are:
 - a. Fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners
 - b. Drinking water

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

- c. Milk, including but not limited to chocolate milk, soy milk, rice milk and other similar dairy or nondairy milk
- d. An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20-ounce serving

For schools participating in the National School Lunch and School Breakfast Programs, meals shall also meet the nutritional standards, as well as the nutrient and calorie levels for students of each age or grade group, required by 7 CFR 210.10 and 220.8.

(cf. 3533 - Free and Reduced Price Meals)

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FREE AND REDUCED-PRICE MEALS

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

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

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

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

(cf. 5145.3 - Nondiscrimination/Harassment)

Applications

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

(cf. 5145.6 - Parental Notifications)

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

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

FREE AND REDUCED-PRICE MEALS (continued)

The application packet also shall contain:

1. A notification that, if a student qualifies for free or reduced price meals, then he/she may qualify for free or reduced-cost health insurance coverage
2. A request for the applicant's consent for the student, if eligible for free school lunches, to participate in the Medi-Cal program and to have the information on the school lunch application shared with the local agency that determines eligibility under the Medi-Cal program
3. A notification that the district will not forward the application to the agency that determines Medi-Cal eligibility without the parent/guardian's consent
4. A notification that the application is confidential and, with the exception of forwarding the information for use in health program enrollment, will not be shared with any other governmental agency for any purpose other than the administration of the Medi-Cal program
5. A notification that the application information will be used only by the state and local agencies that administer the Medi-Cal program and will not be shared with other government agencies, including the federal Department of Homeland Security and the Social Security Administration, except as necessary to verify information provided by the applicant
6. Information regarding the Medi-Cal program, including available services, program requirements, rights and responsibilities, and privacy and confidentiality requirements

(cf. 5141.6 - Student Health and Social Services)

Confidentiality/Release of Records

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

The Assistant Superintendent of Instruction and Curriculum

FREE AND REDUCED-PRICE MEALS (continued)

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 or reduced price meal program shall be maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

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

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

3. All other confidentiality provisions required by law shall be met.
4. Information collected regarding individual students certified to participate in the free or reduced price meal program shall be destroyed when no longer needed for its intended purpose.

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OTHER FOOD SALES

Nutritional Standards

A minimum of 50% of the food sold by any entity on school grounds during regular school hours shall be from the list of nutritious foods provided in Education Code 38085. (Education Code 38085)

(cf. 1230 - School-Connected Organizations)

(cf. 1321 - Solicitations of Funds from and by Students)

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

The sale of beverages shall comply with the nutritional standards of Education Code 49431.5, except that sales not meeting these standards may be permitted when: (Education Code 49431.5)

1. For a school fundraising event conducted by students at an elementary school, the sale of beverages takes place off school premises or takes place at least one-half hour after the end of the school day.
2. For junior high school, the sale occurs during a school-sponsored event and takes place at the location of the event after the end of the school day.
3. Vending machines and student stores at a junior high school are not used sooner than one-half hour after the end of the school day.
4. Each school may have no more than one activity per year that is not subject to the guidelines.

The sale of foods 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)

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)

OTHER FOOD SALES (continued)

The Superintendent or designee shall not permit the sale of food by student organizations in a school, except when all of the following conditions are met: (5 CCR 15500)

1. The student organization may sell one food item per sale.
2. The specific nutritious food item is approved by the Superintendent or designee.
3. The food sales do not begin until after the close of the regularly scheduled midday food service period.
4. The sales during the regular school day are 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 not 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.

(cf. 3553 - Free and Reduced Price Meals)

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STUDENT WELLNESS**Nutrition Education**

Health education, including nutrition education, shall be incorporated into the curriculum of grades one through eight, as appropriate. Student goals shall foster and promote health literacy, defined as “the capacity of an individual to obtain, interpret, and understand basic health information and services and the competence to use such information and services in ways that are health-enhancing.” Community outreach will include nutrition education.

Physical Education

Physical education is a planned sequential program of curricula and instruction that helps students develop the knowledge, skills, and confidence necessary for an active lifestyle.

All students will receive physical instruction as designated (Education Code sections 51200, 51222, and 51223):

- a minimum of 200 minutes for every 10 school days for students in grades 1-6
- a minimum of 400 minutes for every 10 school days for students in grades 7-8

Temporary exemptions from physical education are limited to students whose medical conditions do not allow for inclusion in the general, modified, or adapted physical education program. (Education Code section 51241)

Teachers and other school and community personnel will not use physical activity (e.g., running laps, push-ups) or withhold opportunities for required physical activity (e.g., recess, physical education) as punishment. (Education Code section 49001)

Physical Activity

All elementary school students shall have at least 20 minutes a day of supervised recess, preferably outdoors, during which schools will encourage physical activity.

Nutrition Guidelines for Food and Beverage

All individual food items sold shall meet the local, state, and federal requirements.

1. The term “sold” refers to any food or beverage provided to students on school grounds in exchange for money, coupons, or vouchers. The term does not refer to food brought from home for individual consumption.
2. Food or beverages sold for fundraising on campus during the school day must meet the nutrition guidelines.

STUDENT WELLNESS (continued)

3. Food or beverages that do not meet the nutrition standards (see Appendix A) may be sold by students or parent organizations:
 - a. if the sale takes place off and away from the school campus; or
 - b. on school grounds, if the sale occurs 30 minutes after the end of the school day.

Any food used on campus should reinforce healthy eating and good nutrition.

1. Schools should not use food or beverages as a reward for student accomplishments nor withhold food or beverages as punishment.
2. Schools should limit celebrations that involve food during the school day to no more than one party per class per month. Each party should include no more than one food or beverage that does not meet the nutritional guidelines. Celebrations without food are encouraged.
3. Celebrations should occur after lunch period.
4. Classroom instruction involving food preparation should adhere to nutritional guidelines and ensure food safety.
5. The schools should offer and promote healthy food and beverages at all school-sponsored events where food is sold or served.

Measuring Implementation

The district superintendent or designee shall ensure districtwide and individual school compliance with the adopted school wellness policy. The principal shall ensure individual school compliance.

The district superintendent or designee shall report every year on wellness policy compliance to the school board. The review shall include all components of Board Policies 5030, Student Wellness; 3550, Food Service/Child Nutrition Program; 3553, Free and Reduced-price Meals; 3554, Other Food Sales; 6142.7, Physical Education; and 6142.8, Comprehensive Health Education

PHYSICAL EDUCATION

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)

Instruction in physical education shall be based on the physical education content standards and should include the following:

- full inclusion of students
- at least 50% of instructional time spent in moderate to vigorous physical activity
- maximum participation and ample practice opportunities for class activities
- well-designed lessons that facilitate student learning
- instruction in a variety of motor skills designed to enhance physical, mental, and social/emotional development of every child
- fitness education and assessment

Physical Performance Testing

During the month of February, March, April or May, students in grades 5 and 7 shall undergo the physical performance testing designated by the State Board of Education. 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)

(cf. 6162.5 - Student Assessment)

Parents shall be provided with their individual results. The test results may be provided orally as the student completes the testing. (Education Code 60800)

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

(cf. 5125 - Student Records)

COMPREHENSIVE HEALTH EDUCATION**Content of Instruction**

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

1. The use of health care services and products
2. Mental and emotional health and development
3. Use and misuse of drugs, including tobacco and alcohol
4. Sexually transmitted diseases and AIDS/HIV
5. Sexual health
6. Family health and child development, including the legal and financial aspects and responsibilities of marriage and parenthood
7. Oral health, vision and hearing
8. Nutrition, which may include related topics such as obesity and diabetes prevention
9. Exercise, rest and posture
10. Diseases and disorders, including sickle cell anemia and related genetic diseases and disorders
11. Environmental health and safety
12. Community health
13. Peer pressure and refusal skills
14. Personal safety

Involvement of Health Professionals

The district's health education program shall be designed to actively involve the community, including professional health and safety personnel, in classroom teaching of health education. (Education Code 51913)