

Date:  
2/15/18

Section:  
Consent

Title:  
Replace BP 5030 – Student Wellness

Recommended Motion:  
It is recommended that the Board of Education replace BP 5030 – Student Wellness.

Rationale:  
The Child Nutrition and WIC Reauthorization Act of 2004 mandated that all local education agencies participating in a federal meal reimbursement program establish a Local Wellness Policy. The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) enhances the previous Local School Wellness Policy (LSWP) requirements, strengthening requirements for ongoing implementation, assessment, and public reporting of wellness policies. The California Department of Education requires school districts to review and update their Local School Wellness Policy for compliance with federal and state requirements. To this end, 42 USC 1758b requires specific stakeholders be permitted to participate in the development, implementation, and periodic review of the District's wellness policy, which can be done through the formation of a stakeholder committee.

The Health and Safety District Advisory Committee established an Ad Hoc committee comprised of staff, parents and community members in order to review BP 5030 and to propose a revised policy and establish goals. The old policy was outdated (last updated 2009), so it was decided to abandon the previous policy and develop a proposed new policy, aligned to the CSBA sample policy. It was also decided to develop an exhibit that details the recommended wellness goals. The Health and Safety District Advisory Committee has reviewed the proposed policy and exhibit.

Comments:  
The board discussed these changes at its February 1, 2018, board meeting. The corresponding exhibit can be found under Information in this agenda.

Attachment:  
• BP 5030

**STUDENT WELLNESS**

The Board of Education 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 coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

**School Wellness Council – Health & Safety District Advisory Committee**

The Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, health educators, curriculum directors, counselors, 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 and goals/exhibit. To fulfill this requirement, the District's Health and Safety District Advisory Committee may serve as the District's School Wellness Council. (42 USC 1758b; 7 CFR 210.30)

The Superintendent or designee may make available to the public and school community a list of the names, position titles, and contact information of the wellness council members.

The wellness council 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 may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

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

The Board shall adopt specific goals (see Exhibit 5030) for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing such goals, the Board shall review and consider evidence-based strategies and techniques. (42 USC 1758b; 7 CFR 210.30)

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

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. 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, before- and after-school programs, summer learning programs, and school garden programs.

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, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity

breaks, and other structured and unstructured activities.

The Board may enter into a joint use agreement or memorandum of understanding 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.

Professional development may be regularly offered to the nutrition program director, managers, and staff, as well as health education teachers, physical education teachers, coaches, activity supervisors, and other staff as appropriate to enhance their knowledge and skills related to student health and wellness.

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

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 programs and may provide opportunities for regular physical activity among employees.

### **Nutrition Guidelines for All Foods Available at School**

For all foods and beverages available on each campus during the school day, the district shall adopt nutrition guidelines which are consistent with 42 USC 1758, 1766, 1773, and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

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.

The Superintendent or designee shall provide access to free, potable water in the food service area during meal times in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and by serving water in an appealing manner.

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

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.

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.

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (7 CFR 210.30)

### **Program Implementation and Evaluation**

The Superintendent designates the site principals as the individuals responsible for ensuring that each school site complies with the district's wellness policy. They are supported by the Director of Food & Nutrition Services and the District's Coordinating Nurse. (42 USC 1758b; 7 CFR 210.30)

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every three years. (42 USC 1758b; 7 CFR 210.30)

The assessment shall include 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)

The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements
2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records
3. Student participation rates in all school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to the number of students eligible for that program
4. Extent to which foods and beverages sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutrition standards
5. Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards
6. Results of the state's physical fitness test at applicable grade levels
7. Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity
8. A description of district efforts to provide additional opportunities for physical activity outside of the physical education program

9. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.

The assessment results of both the district and state evaluations shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

### **Notifications**

The Superintendent or designee shall inform the public about the content and implementation of the district's wellness policy and shall make the policy, and any updates to the policy, available the public on an annual basis. He/she shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. (Education Code 49432; 42 USC 1758b; 7 CFR 210.30)

The Superintendent or designee shall distribute this information through the most effective methods of communication, including 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 wellness and academic performance.

Each school may post a summary of nutrition and physical activity laws and regulations prepared by the CDE.

### **Records**

The Superintendent or designee shall retain records that document compliance with 7 CFR 210.30, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR 210.30)

### **Purpose**

~~The Board of Education recognizes that sound nutrition, optimal physical fitness, emotional wellbeing and the adoption of lifelong healthy habits correlate with learning readiness, academic achievement and decreased discipline problems. Lifelong healthy habits include the daily consumption of fruits and vegetables and daily physical fitness activities. Such habits can prevent Type 2 Diabetes, some Cancers, Cardiovascular Disease, Obesity and Osteoporosis.~~

~~The district is committed to promoting the health of its students by linking the Departments of Food and Nutrition Services with Health Services, Physical Education, and Family and Community Services.~~

~~This Wellness Policy will ensure that all students in the district will have the opportunity to receive the following:~~

- ~~1. High quality, nutritious food while in school including during classroom activities.~~
- ~~2. Nutrition education in the classroom.~~
- ~~3. Sequential age appropriate health education.~~
- ~~4. Standards based physical education and physical activity at all grade levels.~~
- ~~5. Access to counseling resources to assist students coping with challenges to their emotional well-being.~~
- ~~6. Access to trained health personnel.~~

### **~~Program Implementation: Nutritious Food/Food and Nutrition Services~~**

~~Access to high quality, nutritious meals has been shown to improve eating habits and overall health status.~~

~~Food and Nutrition Services will offer healthy foods for sale on all school campuses elementary through secondary. School meals will meet or exceed the standards set by the National School Lunch Program, which are set by the Dietary Guidelines for Americans. Specific nutrition goals, consistent with the above, include:~~

- ~~1. Schools will offer students a minimum of four fruit/vegetable choices at lunch and 25-30 percent larger serving sizes of these items than federal requirements OR students selecting hot entrée meals will be able to choose fruits and vegetables being served at the school's salad bar.~~
- ~~2. Over one school year, schools will offer an average of at least five different fruits and five different vegetables over the course of a week. When practical, these choices should be purchased fresh and from local sources.~~
- ~~3. Students may take extra servings of fruits and vegetables at no additional charge~~
- ~~4. By 2008, all schools should aim for lower sodium and cholesterol levels and higher fiber levels than the standards set by the daily SHAPE California menu planning target levels~~
  - ~~a. Sodium: Breakfast 825 mg; Lunch 1100 mg~~
  - ~~b. Fiber: Breakfast 4g; Lunch 6g~~
  - ~~c. Cholesterol: Breakfast 75 mg; Lunch 100 mg~~
- ~~5. Schools' eating areas should feature variety, visibility and accessibility of fresh fruit and vegetables through facility design, and programs such as Farm-to-School programs. The healthiest lunch choices, such as salads and fresh fruit, should be prominently displayed to encourage students to make healthier choices.~~
- ~~6. The district Farmers' Market Salad Bar shall remain a reimbursable lunch option in all of our schools.~~
- ~~7. Students' consumption of added sugars in school meals shall be reduced by limiting prepared foods and pastries with high fructose corn syrup another added sugars or caloric sweeteners. Limit added sugar to less than seven grams per ounce of cereal.~~
- ~~8. All food and beverages served or sold anywhere on campus during one-half hour before or one-half hour after school hours will meet or exceed Senate Bill 12 and Senate Bill 965 guidelines. See Addendum "A" for explanation of these guidelines.~~
- ~~9. Schools should encourage participation in both the breakfast and lunch programs through a variety of means, including convenient bell schedules, classroom breakfasts, grab-and-go meals, second-chance breakfasts, distributed point-of-sale options (e.g., food carts), etc.~~

10. ~~As needed, changes in menu options and competitive foods should be periodically assessed for impact on the average weekly nutrient profile of food and beverages purchased and consumed on campus.~~
11. ~~Concurrent with the results of the School Meals Initiative review (conducted every five years), the Superintendent and staff should review the weekly average nutrient profile of breakfast and lunch meals served to students to ensure that school meals meet all federal, state, and local laws and standards.~~
12. ~~Student nutrition services staff should include training and development/ or certification for food service personnel at their various levels of responsibility, including safe food handling, nutrition education, and recognition of the signs, symptoms, and appropriate responses to severe food allergy reactions.~~
13. ~~Students should be given at least 10 minutes to eat after sitting down for breakfast and at least 20 minutes to eat after sitting down for lunch. Space and seating should be sufficient to seat all K-8 students eating lunch.~~
14. ~~If practical, it would be desirable to schedule lunch after recess, especially in elementary schools. More research is needed to document the nutrition benefits of scheduling lunch after recess~~

### **Nutrition Education**

1. ~~Research validates that healthy eating is directly correlated with the amount of nutrition education received. It is the district's position that all students will receive:~~
  - a. ~~Consistent nutrition education K-12.~~
  - b. ~~Nutrition education integrated into standards based curriculum using science, math, language arts, history etc.~~
  - c. ~~Nutrition education will be science and research-based and consistent with recommendations made in the Dietary Guidelines for Americans which can be found at: <http://www.health.gov/dietaryguidelines/dga2005/document/and> MyPyramid which can be found at: <http://mypyramid.gov>~~
  - d. ~~Nutrition behavior will be monitored biennially through the California Healthy Kids Survey.~~
2. ~~Education Code 51210 requires that health education, including nutrition education, be taught in grades 1-6. The Board authorizes that nutrition education be provided in a variety of instructional settings such as:~~
  - a. ~~Nutrition education by the district Nutrition Specialist.~~
  - b. ~~Farmers' Market Tours and School Gardens connect classroom gardens, nutrition education and the school salad bar.~~
  - c. ~~Teachers will be kept aware of the above programs via workshops, staff meetings and flyers and be encouraged to utilize them as much as possible.~~
  - d. ~~Staff and other persons desiring to provide nutrition education will have appropriate training and will use curriculum and materials consistent with the Dietary Guidelines for Americans approved by the district Nutrition Specialist and/or Assistant Superintendent Education Services.~~

### **Health Education**

~~Education Code 51210 requires that health education, including nutrition education, be taught in grades 1-6. Education Code 51890 declares the intent that districts provide comprehensive health education and requires that a variety of health topics be included in middle school and high school curricula.~~

1. ~~Appropriately credentialed staff will:~~
  - a. ~~Develop age appropriate health education curriculum for elementary thru secondary~~



- ~~b. Provide ongoing monitoring and inservicing of elementary school teachers health education curriculum~~
  - ~~c. Train teachers at secondary level who teach health education.~~
  - ~~d. Establish student goals that 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.~~
- ~~2. Health behavior will be monitored biennially through the California Healthy Kids Survey.~~

### **Standards-Based Physical Activity**

~~The Board recognizes that student academic performance, behavior and health status are compromised by physical inactivity and enhanced by daily physical activity. Research indicates that becoming and remaining physically active significantly reduces the risk of some cancers, diabetes, heart disease and other chronic diseases and can have some positive mental health benefits.~~

- ~~1. To increase opportunities for physical activity and fitness education in our schools the Board commits to the following:~~
  - ~~a. All children, from pre-kindergarten through grade 12 will participate in quality, physical activity and/or fitness education.~~
  - ~~b. All K-12 students (including students with disabilities and/or special healthcare needs and those in alternative educational settings) will receive physical education instruction as designated in Education Code 51210, 51222, and 51223:~~
    - ~~(1) A minimum of 200 minutes for every 10 schooldays for students in grades 1-6~~
    - ~~(2) A minimum of 400 minutes for every 10 schooldays for students in grades 7-12 (3) High school students must take a minimum of two years of physical education in grades 9, 10, 11, or 12, per local district policy.~~
  - ~~c. Partnerships (including but not limited to the dual enrollment program offerings available through Santa Monica College) should be sought and other opportunities to participate in a variety of physical education elective courses that are conducive to noncompetitive, lifetime physical activities such as yoga, dance, hiking, etc. that address the five fitness components: cardio-respiratory endurance, flexibility, muscular strength and endurance and body composition. (Education Code 51222(b) and 51241)~~
  - ~~d. Temporary exemptions from physical education should be limited to students whose medical conditions do not allow for inclusion in the general, modified, or adapted physical education program. (Education Code 51241)~~
  - ~~e. School district staff, including a credentialed school nurse, should develop policies that outline guidelines for student participation in physical activity at school when they have a medical condition. These policies should be communicated to all members of the school community and be designed to protect students' well-being and provide for maximum participation of students in physical activity, at an appropriate level.~~
  - ~~f. Certificated staff will supervise the physical program. At elementary schools, administrators, and appropriately designated staff from Educational Services will supervise the elementary physical education program. Administrators at secondary will collaborate with secondary department chairs to develop and/or oversee physical education programming at each site.~~
  - ~~g. All P.E. Teachers, Specialists and staff working directly with students should have current certifications for training in CPR and first aid. A desirable ratio of CPR-trained and first-aid trained adult to student ratio of 1:100 or better.~~



- ~~h. Appropriate facilities, equipment, and supplies needed to deliver quality, daily physical education will be available. Facilities and equipment used for physical activity should be properly monitored and maintained to ensure participants' safety. This includes Life Guards for all water sports where required by state and/or local law.~~
- ~~2. Physical activity shall be monitored in two ways.~~
  - ~~a. Annually, the Fitgram will be used to monitor and assess district physical activity/physical education programs, fitness testing performance, achievement of State physical fitness standards, and community physical activity programs at our schools. School districts will administer a physical fitness test annually to all students in grades five, seven, and nine during the months of February, March, April, or May. Students will receive their individual fitness test results.~~
  - ~~b. Physical activity shall also be monitored biennially through the California Healthy Kids Survey.~~
- ~~3. Access to school sites will be provided through community joint use agreements and partnerships with youth organizations for quality community sports and recreation programs for all young people in our communities.~~

## **Health Services**

~~All students should have access to a credentialed school nurse or a designated staff member who has current certification in CPR and first aid and is supervised by, and has physical or electronic access to, the school nurse or another duly qualified supervisor of health.~~

## **Emotional Well Being**

~~To optimize students' emotional well-being and social functioning:~~

- ~~1. Students should have access to credentialed school counselors and psychologists who provide students with support and assistance in making health-related decisions, managing emotions, and coping with crises.~~
- ~~2. Programs such as Cool Tools and Character Counts that teach students the above should be mandatory for all students.~~
- ~~3. Professional development in appropriate approaches to promoting emotional well-being in students should be provided to teachers and administrators.~~
- ~~4. Encourage professional development and appropriate approaches that promote conflict resolution, nonviolence and violence prevention training for students.~~

## **Family and Community Partnerships**

~~The Board acknowledges that a team of community partners delivering strong, consistent messages and modeling healthy food choices and physical activity as part of a coordinated school health program increases the effectiveness of school-based nutrition and fitness education.~~

- ~~1. All family groups within the district (i.e. PTA, sports booster clubs, English language advisory groups, etc.) will be informed of this policy. All school-based organizations will be encouraged to use non-food items for fund-raising. Student, parent/guardian, or school groups should sell only food or beverages that meet the Senate Bill 12 and 965 guidelines as fundraisers. These restrictions apply one-half hour before the school day begins and one-half hour after the school day ends.~~
- ~~2. A district Advisory Committees shall exist for Health and Safety and Physical Activity. This group will assist in assessing adherence to this Wellness Policy and setting goals for improvement in student wellness.~~

## **Staff Wellness**

~~Staff wellness programs should be made available to support employees' efforts to improve their personal health and fitness so that they can serve as role models and promote the health of others, including students.~~

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

~~Definitions:~~

~~*Full Meal*—any combination of food items that meet USDA-approved School Breakfast Program (SBP) or National School Lunch Program (NSLP) meal pattern requirements~~

~~*Added Sweetener*—Any additive other than 100 percent fruit juice that enhances the sweetness of a beverage.~~

~~*Entrée*—A food that is generally regarded as being the primary food in a meal, and shall include, but not be limited to, sandwiches, burritos, pasta and pizza.~~

~~*Snack*—A food that is generally regarded as supplementing a meal, including, but not limited to, chips, crackers, onion rings, nachos, french fries, donuts, cookies, pastries, cinnamon rolls, and candy.~~

~~Elementary Schools:~~

~~Only full meals and individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes. Individually sold dairy items and whole grain food items may be sold to students at an elementary school, except food sold as part of a USDA meal program, if it meets all of the following standards:~~

- ~~1. ——— Not more than 35 percent of its total calories shall be from fat.~~
- ~~2. ——— Not more than 10 percent of its total calories shall be from saturated fat~~
- ~~3. ——— Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar. Not more than 175 calories per individual food item~~

~~An elementary school may permit the sale of food items that do not comply with the above regulations as part of a school fundraising event in any of the following circumstances:~~

- ~~1. ——— The items are sold by students of the school and the sale of those items takes place off of and away from school premises.~~
- ~~2. ——— The items are sold by students of the school and the sale of those items takes place at least one-half hour after the end of the school day.~~

~~Middle, Junior or High School:~~

~~Snacks sold to a student in middle, junior or high school, except food served as part of the USDA meal program, shall meet all of the following standards:~~

- ~~1. ——— Not more than 35 percent of its total calories shall be from fat.~~
- ~~2. ——— Not more than 10 percent of its total calories shall be from saturated fat~~
- ~~3. ——— Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar. Not more than 250 calories per individual food item~~

~~Entrée items sold to a pupil in middle, junior or high school, except food served as part of a USDA meal shall:~~

- ~~1. Contain no more than 400 calories per entrée~~
- ~~2. Contain no more than four grams of fat per 100 calories contained in each entrée and shall be categorized as entrée items in the SBP or NSLP~~

~~A middle, junior or high school may permit the sale of food items that do not comply with the above regulations in any of the following circumstances:~~

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

~~It is the intent of the Legislature that the Board of a school district annually review its compliance with the nutrition standards described.~~

### **Senate Bill 965**

**Signed into Law September 15, 2005**

**Commences July 1, 2007 (50 percent)**

**Commences July 1, 2009 (100 percent)**

#### **Definitions:**

~~*Added Sweetener*—Any additive that enhances the sweetness of the beverage, including added sugar but does not include the natural sugar of sugars that are contained within the fruit juice, which is a component of the beverage.~~

#### **Elementary School:**

- ~~1. Regardless of the time of day, only the following beverages may be sold to a student at an elementary school:
  - ~~a. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener.~~
  - ~~b. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener.~~
  - ~~c. Drinking water with no added sweetener.~~
  - ~~d. Two percent-fat, one-percent-fat milk, nonfat milk, soymilk, rice milk, and other similar nondairy milk.~~~~

~~An elementary school may permit the sale of beverages that do not comply with the above regulations as part of a school fundraising event in any of the following circumstances:~~

- ~~1. The items are sold by students of the school and the sale of those items takes place off of and away from school premises.~~
- ~~2. The items are sold by students of the school and the sale of those items takes place at least one-half hour after the end of the school day.~~

#### **Middle or Junior High School:**

~~From one-half hour before the start of the school day to one-half hour after the end of the school day, only the following beverages may be sold to a student at a middle or junior high school:~~

- ~~1. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener.~~

- ~~2. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener.~~
- ~~3. Drinking water with no added sweetener.~~
- ~~4. Two percent-fat, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk.~~
- ~~5. An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20-ounce serving.~~

~~A middle or junior high school may permit the sale of beverages that do not comply with the above regulations as part of a school event if the sale of those items meets all of the following criteria:~~

- ~~— The sale occurs during a school-sponsored event and takes place at the location of that event at least one-half hour after the end of the school day.~~

~~Vending machines, student stores, and cafeterias are used later than one-half hour after the end of the school day.~~

~~Above items may be made available in vending machines at any time during the school day. Beverages that do not comply, may be made available in middle and junior high schools if the beverage only is available not later than one-half hour before the start of the school day and not sooner than one-half hour after the end of the school day.~~

~~Commencing July 1, 2007, no less than 50 percent of all beverages sold to students from one-half hour before the start of the schooldays until one-half hour after the end of the school day shall be those meeting the above criteria.~~

~~Commencing July 1, 2009, all beverages sold to students from one-half hour before the start of the school day until one-half hour after the end of the school day shall be those meeting the above criteria.~~

### **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 1758(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.~~

### **Program Implementation and Evaluation**

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

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

- ~~1. Descriptions of the district's nutrition education, physical education, and health education curricula~~
- ~~2. Number of minutes of physical education instruction offered at each grade span~~
- ~~3. Number and type of exemptions granted from physical education~~

- ~~4. Results of the state's physical fitness test~~
- ~~5. An analysis of the nutritional content of meals served based on a sample of menus~~
- ~~6. Student participation rates in school meal programs~~
- ~~7. Any sales of non-nutritious foods and beverages in fundraisers or other venues outside of the district's meal programs~~
- ~~8. Feedback from food service personnel, school administrators, the school health council, parents/guardians, students, and other appropriate persons~~
- ~~9. Any other indicators recommended by the Superintendent and approved by the Board~~

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

### **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)~~

~~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  
38086 Free fresh drinking water  
49430-49434 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  
49565-49565.8 California Fresh Start pilot program  
49570 National School Lunch Act  
51210 Course of study, grades 1-6  
51210.1-51210.2 Physical education, grades 1-6  
51210.4 Nutrition education  
51220 Course of study, grades 7-12  
51222 Physical education  
51223 Physical education, elementary schools  
51795-51798 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**

1751-1769j National School Lunch Program, especially:  
1758b Local wellness policy  
1771-1793 Child Nutrition Act, especially:

1773 School Breakfast Program  
1779 Rules and regulations, Child Nutrition Act

##### **CODE OF FEDERAL REGULATIONS, TITLE 7**

210.1-210.33 National School Lunch Program, especially:  
210.30 Wellness policy

220.1-220.22 National School Breakfast Program

##### **COURT DECISIONS**

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

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*School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, rev. 2012*

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*Fit, Healthy and Ready to Learn, rev. 2012*

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*Dietary Guidelines for Americans, 2016*

**WEB SITES**

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

Action for Healthy Kids: <http://www.actionforhealthykids.org>

Alliance for a Healthier Generation: <http://www.healthiergeneration.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>

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  
adopted: August 19, 2009**

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT  
Santa Monica, California**