

**Business and Noninstructional Operations**

**FOOD SERVICE/CHILD NUTRITION PROGRAM**

**Natomas Unified School District's Wellness Policies on Physical Activity and Nutrition**

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**Wellness Policies on Physical Activity and Nutrition**

**Preamble**

Whereas, children need access to healthful foods and opportunities to be physically active in order to grow, learn, and thrive;

Whereas, good health fosters student attendance and education;

Whereas, obesity rates have doubled in children and tripled in adolescents over the last two decades, and physical inactivity and excessive calorie intake are the predominant causes of obesity;

Whereas, heart disease, cancer, stroke, and diabetes are responsible for two-thirds of deaths in the United States, and major risk factors for those diseases, including unhealthy eating habits, physical inactivity, and obesity, often are established in childhood;

Whereas, nationally, the items most commonly sold from school vending machines, school stores, and snack bars include low-nutrition foods and beverages, such as soda, sports drinks, imitation fruit juices, chips, candy, cookies, and snack cakes;

Whereas, school districts around the country are facing significant fiscal and scheduling constraints; and

Whereas, community participation is essential to the development and implementation of successful school wellness policies;

**FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

Thus, the Natomas Unified School District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the Natomas Unified School District that:

- The school district will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies.
- All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- Foods and beverages sold or served at school will meet the nutrition recommendations of the *U.S. Dietary Guidelines for Americans*.
- Child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning.
- All schools in our district will participate in available federal school meal programs (including the School Breakfast Program, National School Lunch Program and After-school Snack Program).
- Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

**TO ACHIEVE THESE POLICY GOALS:**

**I. Nutrition and Wellness Committee**

The school district and/or individual schools within the district will create, strengthen, or work with existing Wellness Committee to develop, implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies. The Wellness Committee will also serve as resources to school sites for implementing those policies. (A Wellness Committee or Health Council consists of a group of individuals representing the school and community, and should include parents, students, and representatives of the school food authority, members of the school board, school administrators, teachers, health professionals, and members of the public.)

**II. Nutritional Quality of Foods and Beverages Sold and Served on Campus**

**School Meals- Meals served through the National School Lunch and Breakfast Programs**

- School meals should be made attractive to students by appealing to their taste preferences and meeting their cultural needs.

## **FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

- School meals not only should provide the optimal nutrition that students need for growth, development, and academic achievement but also should support the development of healthful eating behaviors in students, including their learning to eat a variety of foods.
- School meals should be priced no lower than the cost of providing them so that school food programs are self-supporting.

Programs will:

- be appealing and attractive to children;
- be served in clean and pleasant settings;
- meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;
- offer a variety of seasonal fruits and vegetables;<sup>2</sup>
- serve only low-fat and fat-free milk<sup>3</sup> and nutritionally-equivalent non-dairy alternatives (to be defined by USDA); and offer organic products where available, vegan and soy options and vegetarian entrees.
- increase servings of whole grains offered.<sup>3, 4</sup>
- implement SB 965 regulations July 1, 2006

Schools should engage students and parents, through taste-tests of new entrees and surveys, in selecting foods sold through the school meal programs in order to identify new, healthful, and appealing food choices. In addition, schools should share information about the nutritional content of meals with parents and students. Such information could be made available on menus, a website, or other point-of-purchase materials.

### **Free and Reduced-Priced Meals**

Schools will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals<sup>5</sup>. Toward this end, schools may utilize electronic identification and payment systems; promote the availability of school meals to all students; and/or use nontraditional methods for serving school meals or classroom breakfast.

### **Breakfast**

To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- Schools will, to the extent possible, operate the School Breakfast Program.
- Schools will, to the extent possible, arrange bus schedules and utilize methods to serve school breakfasts that encourage participation, including serving breakfast in the classroom, or breakfast during morning break or recess.
- Schools that serve breakfast to students will notify parents and students of the availability of the School Breakfast Program.

**FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

Schools will encourage parents to provide a healthy breakfast for their children through newsletter articles, take-home materials, or other means.

**Summer Food Service Program**

Schools in which more than 70% of students are eligible for free or reduced-price school meals will sponsor the Summer Food Service Program for at least six weeks between the last day of the academic school year and the first day of the following school year, and preferably throughout the entire summer vacation.

**III. School Nutrition Environment**

- Adequate time and space for seating should be provided for students to eat school meals. Lunch periods should be scheduled to reduce student wait time for meals
- Nutrition education should be provided at all grade levels, pre-kindergarten through grade twelve
- Non-food rewards and incentives should be used when possible to encourage student achievement and desirable behavior
- School campus marketing and advertising (including advertising on vending machines, in school stores, in the cafeteria, and on closed-circuit television) should encourage healthy eating habits
- Water and water fountains should be usable and accessible to students throughout the school day
- Teachers and staff should be encouraged to model healthy eating and behaviors
- Healthy food choices should be provided when foods are sold as concessions at school sports events and special school activities.

**Meal Times and Scheduling Schools:**

- will provide students with at least 10 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch;
- should schedule lunch periods to follow recess periods (in elementary schools);
- should schedule meal periods at appropriate time, e.g., lunch should be scheduled between 11 a.m. and 1 p.m.;
- should not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities;
- will insure that students are offered a regular lunch meal period during the school day on minimum days.

## **FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

- will schedule lunches to minimize student wait times for meals, to insure that all students have access to a nutritional school meal and have adequate time to consume meal,
- will provide students access to hand washing or hand sanitizing before they eat meals or snacks; and
- should take reasonable steps to accommodate the tooth-brushing regimens of students with special oral health needs (*e.g.*, orthodontia or high tooth decay risk).

### **Qualifications of School Food Service Staff**

As part of the school district's responsibility to operate a Nutrition Services program, we will provide continuing professional development for all nutrition professionals in schools. Staff development programs should include appropriate certification and/or training programs for child nutrition directors, school nutrition managers, and cafeteria workers, according to their levels of responsibility.<sup>6</sup>

### **Reducing Exposure to Communicable Diseases**

Schools should discourage students from trading or sharing their foods or beverages with one another during meal or snack times, in order to prevent the spread of disease, reduce exposure to food allergies and assist with student's dietary restrictions

### **Elementary Schools**

The school food service program will approve and provide all food and beverage sales to students in elementary schools per (Per SB-12, SB-965 and/or current regulations). Food in elementary schools should be sold as balanced meals. If available, foods and beverages sold individually should be limited to low-fat and non-fat milk, fruits, fruit juice, water and non-fried vegetables. At no time during the school day until after the last lunch period has ended, may any sale compete with the National School Breakfast or Lunch program.

### **Middle /Junior High and High Schools**

In middle/junior high and high schools, all foods and beverages sold/served individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines) during the school day per (Per SB-12, SB-965 and/or current regulations), will meet the following nutrition and portion size standards: At no time during the school day until after the last lunch period has ended, may any sale compete with the National School Breakfast or Lunch program.

### **Fundraising Activities**

To support children's health and school nutrition-education efforts, school fundraising activities will not compete with School Lunch or Breakfast programs. Schools will encourage fundraising activities that promote physical activity and nutritious food choices. The district will disseminate a list of suggested ideas for acceptable fundraising activities.

**FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)****Classroom Foods and Snacks**

Natomas Unified recognizes that celebrating student special occasions with a classroom party is a time-honored tradition that provides the opportunity for parental involvement in the education of their children, which is beneficial for students, parents and teachers. Elementary classrooms may allow one nutritious snack per day under the teacher's supervision. The snack may be in the morning or afternoon but may not be at the same time as the regular meal periods for that class. The snack may be provided by the school food service, the teacher, parents or other groups and should be nutritious. This excludes meals prepared in class as part of a lesson plan or home-economics class.

**Celebrations, Classroom Birthday Parties, Pizza Parties, Ice Cream Socials**

The intent of the policy is to encourage the consumption of nutritious, well-balanced meals and to prevent competitive foods from being sold to students in place of the School Lunch & Breakfast Program. With the exception of school birthday parties, schools may not allow alternative meals (pizza, BBQ, sandwiches, etc.) to be provided to students in competition with meals made available by the District Nutrition Service Department under the National School Lunch and School Breakfast Programs. However, such items may be provided if they are provided through the NSLP meal program and supplemented with components provided by Nutrition Services to become a reimbursable meal. This allows the addition of milk, fruits and vegetables for a complete nutritious meal as well as providing federal reimbursement funds to the district. 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 nutrition standards for foods and beverages sold individually (Per SB-12, SB-965 and/or current regulations). Foods otherwise restricted by the policy are permitted in classroom student birthday parties. It is recommended such parties be scheduled after the end of the lunch period for the class so that these celebrations will not replace a nutritious lunch. The district will disseminate a list of healthy party ideas to parents and teachers.

**Snacks**

Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations. The district will disseminate a list of healthful snack items to teachers, after-school program personnel, and parents.

- If eligible, schools that provide snacks through after-school programs will pursue receiving reimbursements through the National School Lunch Program.
- An elementary school campus may not sell or serve competitive foods (or provide access to them through direct or indirect sales) to students anywhere on school premises throughout the school day until the end of the last scheduled class. This does not pertain to food items made available by the District Nutrition Services Department.

## **FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

### **Rewards**

Schools will not use foods or beverages, especially those that do not meet the nutrition standards for foods and beverages sold individually, as rewards for academic performance or good behavior,<sup>10</sup> and will not withhold food or beverages (including food served through school meals) as a punishment.

### **School-Sponsored Events (such as, but not limited to, athletic events, dances, or performances)**

**At least** 50 percent of foods and beverages offered or sold at school-sponsored events outside the school day should meet the nutrition standards for meals or for foods and beverages sold individually.

### **Competitive Foods for Elementary Schools**

The competitive foods policy section for elementary schools states that it does "not pertain to food items made available by the Nutrition Services Department." The intent of the policy is to encourage the consumption of nutritious food by students and to limit access to high-fat, high-sugar items during the school day. Therefore, the only food that may be made available to elementary school students on campus during the school day, at times other than meal periods, is a nutritious classroom snack allowed by the policy. This does not apply to student birthday parties or any other exemption as established by the policy. An elementary school campus may not sell or serve competitive foods (or provide access to them through direct or indirect sales) to students anywhere on school premises throughout the school day until the end of the last scheduled class. This does not pertain to food items made available by the District Nutrition Services Department.

In elementary schools, all foods and beverages sold/served individually (to or by) students after the school day will meet the nutrition standards meet the nutrition standards for meals or for foods and beverages sold individually.

### **Competitive Foods for Secondary Schools: Middle/Junior High and High Schools**

The competitive foods policy section for secondary schools states that it does "not pertain to food items made available by the Nutrition Services Department." In middle/junior high and high schools, all foods and beverages sold/served individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines) during the school day, will meet the following nutrition and portion size standards: At no time during the school day until after the last lunch period has ended, may any sale compete with the National School Breakfast or Lunch program.

## **FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

In middle/junior high and high schools, all foods and beverages sold/served individually (to or by) students after the school day will meet the nutrition standards meet the nutrition standards for meals or for foods and beverages sold individually.

### **Nutrition Services Food Safety Policy**

The District recognizes the role of food in the activities of sites, departments and students organizations. In an effort to support schools, departments and student organizations and to ensure the safety of food provided on campus, organizations/groups shall adhere to the “District Facility Use Rules” and the “Nutrition Services Food Safety Policy.” (Addendum)

### **Food Safety**

The purpose of this Nutrition Services Food Safety Policies is to establish standards for food service on all campuses. In order to ensure the safety and consistency of the products provided and insure public safety, reduce District liability, the District requires:

- Food service on campus is to be in full compliance with State and County Health Department standards and other regulatory agencies. For the protection of the public, against food born illness or injury, established guidelines as provided by Environmental Health & Safety must be followed for each type of event
- Nutrition Services will be responsible for implementing food safety procedures HACCP as required by state and federal regulation.

## **IV. Nutrition and Physical Activity Promotion and Food Marketing**

### **Nutrition Education and Promotion**

Natomas Unified School District aims to teach, encourage, and support healthy eating by students. Schools should provide nutrition education and engage in nutrition promotion that:

- is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
- includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
- promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise); links with school meal programs, other school foods, and

## **FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

nutrition-related community services; teaches media literacy with an emphasis on food marketing; and includes training for teachers and other staff.

### **Integrating Physical Activity into the Classroom Setting**

For students to receive the nationally-recommended amount of daily physical activity (*i.e.*, at least 60 minutes per day) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond physical education class.

Toward that end:

- classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television;
- opportunities for physical activity will be incorporated into other subject lessons;
- and classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

### **Communications with Parents**

The district/school will support parents' efforts to provide a healthy diet and daily physical activity for their children. The district/school will offer nutrition information, post nutrition tips on school websites, and provide nutrient analyses of school menus. Schools should encourage parents to pack healthy lunches and snacks and to refrain from including beverages and foods that do not meet the above nutrition standards for individual foods and beverages. The district/school will provide parents a list of foods that meet the district's snack standards and ideas for healthy celebrations/parties, rewards, and fundraising activities. The district/school will provide information about physical education and other school-based physical activity opportunities before, during, and after the school day; and support parents' efforts to provide their children with opportunities to be physically active outside of school. Such supports will

include sharing information about physical activity and physical education through a website, newsletter, community activity link, take-home materials, special events, or physical education homework.

### **Food Marketing in Schools**

School-based marketing will be consistent with nutrition education and health promotion. As such, schools will limit food and beverage marketing to the promotion of foods and beverages that meet the nutrition standards for meals or for foods and beverages sold individually (per SB-12, SB-965 and/or current regulations).<sup>11</sup> School-based marketing of brands promoting predominantly low-nutrition foods and beverages<sup>12</sup> is prohibited. The promotion of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products is encouraged.

**FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

*Examples of marketing techniques include the following: logos and brand names on/in vending machines, books or curricula, textbook covers, school supplies, scoreboards, school structures, and sports equipment; educational incentive programs that provide food as a reward; programs that provide schools with supplies when families buy low-nutrition food products; in-school television, such as Channel One; free samples or coupons; and food sales through fundraising activities.*

Marketing activities that promote healthful behaviors (and are therefore allowable) include: vending machine covers promoting water; pricing structures that promote healthy options in a la carte lines or vending machines; sales of fruit for fundraisers; and coupons for discount gym memberships.

**Staff Wellness**

Natomas Unified School District highly values the health and well-being of every staff member and will plan and make available, non-mandatory activities and policies that support personal efforts by staff to maintain a healthy lifestyle. The District Wellness Committee should develop, promote, and oversee a multifaceted plan to promote staff health and wellness. The plan should be based on input solicited from school staff and should outline ways to encourage healthy eating, physical activity, and other elements of a healthy lifestyle among school staff. The staff wellness coordinator should distribute its plan to the District Wellness Committee annually.

**V. Physical Activity Opportunities and Physical Education**

**Daily Physical Education (P.E.) K-12**

All students in grades K-12, including students with disabilities, special health-care needs, and in alternative educational settings, will receive daily physical education at minimum as specified by California Ed. Code. Student involvement in other activities involving physical activity (e.g., interscholastic or intramural sports) will not be substituted for meeting the physical education requirement.

Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity, with the exception of approved specialized programs and/or special modifications as provided by the Education Code.

**Daily Recess**

All elementary school students will have at least 30 minutes a day of supervised recess, preferably outdoors, during which schools should encourage moderate to vigorous physical activity. Schools should discourage extended periods (i.e., periods of two or more hours) of inactivity. When activities, such as mandatory school-wide testing, make it necessary for

**FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

students to remain indoors for long periods of time, schools should give students periodic breaks during which they are encouraged to stand and be moderately active.

**Physical Activity Opportunities Before and After School**

All elementary, middle, and high schools will offer extracurricular physical activity programs, such as physical activity clubs or intramural programs. All high schools, and middle schools as appropriate, should offer interscholastic sports programs, when eligible. Schools will offer a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs.

After-school child care and enrichment programs should provide and encourage – verbally and through the provision of space, equipment, and activities – daily periods of moderate to vigorous physical activity for all participants.

**Promoting Physical Activity**

The intent, is to promote and positive lifelong attitude towards physical activity. Teachers and other school and community personnel will not withhold opportunities for physical activity (*e.g.*, recess, physical education). The school district will not deny student participation in recess or other physical activities as a form of discipline or for classroom make-up time.

**Safe Routes to School**

When appropriate, the district will work together with local public works, public safety, and/or police departments in those efforts. The school district will explore the availability of federal "safe routes to school" funds, administered by the state department of transportation, to finance such improvements.

**Use of School Facilities Outside of School Hours**

School spaces and facilities should be available to students, staff, and community members before, during, and after the school day, on weekends, and during school vacations (per District "Facility Use Policies"). These spaces and facilities also should be available to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times.

**FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)****VI. Monitoring and Policy Review****Monitoring**

The superintendent or designee will ensure compliance with established district-wide nutrition and physical activity wellness policies. In each school, the principal or designee will ensure compliance with those policies in his/her school and will report on the school's compliance to the school district superintendent or designee.

School food service staff, at the school or district level, will ensure compliance with nutrition policies within school food service areas and will report on this matter to the superintendent or designee annually. In addition, the school district will report on the most recent USDA School Meals Initiative (SMI) review findings and any resulting changes. The superintendent or designee will develop a summary report every three years on district-wide compliance with the district's established nutrition and physical activity wellness policies, based on input from schools within the district. That report will be provided to the school board and also distributed to all school health councils, parent/teacher organizations, school principals, and school health services personnel in the district.

**Policy Review**

To help with the initial development of the District's Wellness Policies, each school in the district will conduct a baseline assessment of the school's existing nutrition and physical activity environments and policies.<sup>13</sup> The results of those school-by-school assessments will be compiled at the district level to identify and prioritize needs. Assessments will be repeated every three years to help review policy compliance, assess progress, and determine areas in need of improvement. As part of that review, the school district will review our nutrition and physical activity policies; provision of an environment that supports healthy eating and physical activity; and nutrition and physical education policies and program elements. The district, and individual schools within the district, will, as necessary, revise the wellness policies and develop work plans to facilitate their implementation.

**Reference****CA SB 12**

Section 49431 of the Education Code is amended to read:

49431. (a) (1) Commencing July 1, 2007, at each elementary school, the only food that may be sold to a pupil during the school day are 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.

(2) An individually sold dairy or whole grain food item may be sold to pupils at an elementary school, except food sold as part of a USDA meal program, if it meets all of the following standards:

(A) Not more than 35 percent of its total calories shall be from fat.

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- (B) Not more than 10 percent of its total calories shall be from saturated fat.
- (C) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar.
- (D) Not more than 175 calories per individual food item.
- (b) An elementary school may permit the sale of food items that do not comply with subdivision (a) as part of a school fundraising event in any of the following circumstances:
  - (1) The items are sold by pupils of the school and the sale of those items takes place off of and away from school premises.
  - (2) The items are sold by pupils of the school and the sale of those items takes place at least one-half hour after the end of the school day.
- (c) It is the intent of the Legislature that the governing board of a school district annually review its compliance with the nutrition standards described in this section and Section 49431.5.

Section 49431.2 is added to the Education Code, to read:

49431.2. (a) Commencing July 1, 2007, snacks sold to a pupil in middle, junior, or high school, except food served as part of a USDA meal program, shall meet all of the following standards:

- (1) Not more than 35 percent of its total calories shall be from fat. This paragraph does not apply to the sale of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruits, vegetables that have not been deep fried, or legumes.
  - (2) Not more than 10 percent of its total calories shall be from saturated fat. This subparagraph does not apply to eggs or cheese packaged for individual sale.
  - (3) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugars. This paragraph does not apply to the sale of fruits or vegetables that have not been deep fried.
  - (4) No more than 250 calories per individual food item.
- (b) Commencing July 1, 2007, entree items sold to a pupil in middle, junior, or high school, except food served as part of a USDA meal program, shall contain no more than 400 calories per entree, shall contain no more than 4 grams of fat per 100 calories contained in each entree, and shall be categorized as entree items in the School Breakfast Program or National School Lunch Program.
- (c) A middle, junior, or high school may permit the sale of food items that do not comply with subdivision (a) or (b) 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 place 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.
- (d) It is the intent of the Legislature that the governing board of a school district annually reviews its compliance with the nutrition standards described in this section. Section 49433.9 of the Education Code is amended to read:
- 49433.9. A school district participating in the pilot program shall adopt the provisions of Section 49433 and shall comply with all of the following requirements:
- (a) (1) No beverage other than any of the following shall be sold to pupils from one-half hour before the start of the school day until one-half hour after the end of the school day:
    - (A) Fruit-based drinks that are composed of no less than 50
    - (B) Drinking water

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(C) Milk, including, but not limited to, chocolate milk, soy milk, rice milk, and other similar dairy or nondairy milk.

(D) Electrolyte replacement beverages that do not contain more than 42 grams of added sweetener per 20 ounce serving.

(2) No carbonated beverage shall be sold to pupils from one-half hour before the start of the school day until one-half hour after the end of the school day.

(3) (A) Except as set forth in subparagraph (B), no beverage that exceeds 12 ounces per serving shall be sold to pupils from one-half hour before the start of the school day until one-half hour after the end of the school day.

(B) The 12-ounce maximum serving requirement does not apply to any of the following: (i) Drinking water.

(ii) Milk, including, but not limited to, chocolate milk, soy milk, rice milk, and other similar dairy or nondairy milk.

(iii) An electrolyte replacement beverage that does not exceed 20 ounces per serving.

(4) For the purposes of this subdivision, "added sweetener" means any additive that enhances the sweetness of the beverage, including, but not limited to, added sugar, but does not include the natural sugar or sugars that are contained within the fruit juice which is a component of the beverage.

(b) No food item shall be sold to pupils from one-half hour before the start of the school day until one-half hour after the end of the school day unless it meets all of the standards set forth in subparagraphs (A) to (C), inclusive, of paragraph (2) of subdivision (a) of Section 49431.

(c) Entree items and side dish serving sizes shall be no larger than the portions of those foods served as part of the federal school meal program.

(d) Fruit and non-fried vegetables shall be offered for sale at any location where food is sold.

**CA -SB 965, Pupil nutrition: Beverages.**

Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils. Existing law restricts the sale of beverages to pupils at an elementary school to certain specified beverages, including water, milk, and 100% fruit juices, and at a middle or junior high school at specified times to certain specified beverages.

This bill would modify the list of beverages that may be sold to pupils at an elementary or a middle or junior high school, and would restrict the sale of beverages to pupils at a high school at specified times to certain specified beverages.

SECTION 1. Section 49431.5 of the Education Code is amended to read:

49431.5. (a) (1) Regardless of the time of day, only the following beverages may be sold to a pupil 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.

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(C) Drinking water with no added sweetener.

(D) Two-percent-fat milk, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk.

(2) An elementary school may permit the sale of beverages that do not comply with paragraph (1) as part of a school fundraising event in any of the following circumstances:

(A) The items are sold by pupils of the school and the sale of those items takes place off and away from the premises of the school.

(B) The items are sold by pupils of the school and the sale of those items takes place one-half hour or more after the end of the school day.

(3) 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 pupil at a middle or junior high 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 milk, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk.

(E) An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20- ounce serving.

(4) A middle or junior high school may permit the sale of beverages that do not comply with paragraph

(3) as part of a school event if the sale of those items meets all of the following criteria:

(A) 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.

(B) Vending machines, pupil stores, and cafeterias are used later than one-half hour after the end of the school day.

(5) This subdivision does not prohibit an elementary, or middle or junior high school from making available through a vending machine any beverage allowed under paragraph (1) or (3) at any time of day,

or, in middle and junior high schools, any beverage that does not comply with paragraph (3) 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.

(2) **Commencing July 1, 2006**, all beverages sold to a pupil 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 enumerated by paragraph (3). (3) Beverages allowed under this subdivision are all of the following:

(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 milk, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk.

(E) An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20- ounce serving.

(c) For the purposes of this section, the following terms have the following meanings:

**FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

(1) "Added sweetener" means any additive that enhances the sweetness of the beverage, including added sugar, but does not include the natural sugar or sugars that are contained within the fruit juice which is a component of the beverage.

(2) "Sale of beverages" means the exchange of a beverage for money, coupons, or vouchers.

(d) It is the intent of the Legislature that the governing board of a school district annually review its compliance with this section.

(e) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20, compliance with this section may not be waived.

**CA -SB 677, Pupil nutrition: beverages. Current Law**

The California Childhood Obesity Prevention Act of 2003-Senator Deborah Ortiz

On September 16th 2003, Governor Gray Davis signed SB 677 (Ortiz) into law, ensuring that only healthy beverages are sold on elementary, middle and junior high school campuses, beginning on July 1, 2004. Reducing soda consumption is one of the most promising strategies for preventing obesity.

Provisions of SB 677- Sets nutrition standards for all beverages sold to students in elementary, middle and junior high schools, effective July 1, 2004. The implementation of these standards is NOT tied to the appropriation of funds. The new law mandates the following:

- In Elementary Schools
  - Bans the sale of unhealthy beverages all day. Permits the sale of healthy beverages which include only water, milk, 100 percent fruit juices or fruit based drinks with no less than 50% fruit juice and no added sweeteners. Vending machines may be used to sell only healthy beverages.
  - Allows the sale of unhealthy beverages for fundraising under two circumstances:
    - Sale by pupils off school grounds.
  - Sale by pupils on school grounds at least 30 minutes after the end of the school-day.
- In Middle and Junior High Schools
  - Bans the sale of unhealthy beverages from one-half hour before school to one-half hour after the end of the school-day.
  - Permits the sale of healthy beverages which include only water, milk, 100 percent fruit juices or fruit based drinks with no less than 50% fruit juice and no added sweeteners, and electrolyte replacement beverages with no more than 42 grams of added sweetener per 20-ounce serving from ½ hour before school to ½ hour after the end of the school-day.
  - Vending Machine Policy:
    - Allows the sale of healthy beverages at any time of day.
    - Allows the sale of unhealthy beverages only during the hours that the ban does not apply.
  - Allows the sale of unhealthy beverages for fundraising under two circumstances:
    - The sale occurs during and at the location of the event after the end of the school- day.
    - The sale occurs via vending machines, school stores and cafeterias and takes place at least ½ hour after the end of the school-day.

**FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)****Nutrition Services Food Safety Policy**

**Food Safety:** The District recognizes the role of food in the activities of sites, departments and students organizations. In an effort to support campus departments and student organizations and to ensure the safety of food provided on campus, organizations/groups shall adhere to “District Facility Use Rules” and “Nutrition Services Food Safety Policy.”

**Purpose:**

The purpose of this Nutrition Services’ Food Safety Policies” is to establish standards for food service on all campuses. In order to ensure the safety and consistency of the products provided and insure public safety, reduce District liability, the District requires:

- Food service on campus is to be in full compliance with State and County Health Department standards and other regulatory agencies. For the protection of the public, against food born illness or injury, established guidelines as provided by Environmental Health & Safety must be followed for each type of event.
- Nutrition services will be responsible for implementing food safety procedures HACCP as required by state and federal regulation

**1. Event Rules- per California Environmental Health & Safety Regulations-CURFFL**

The following rules apply for any event by any individual, or group of, students, faculty, or staff, parent groups, or auxiliary employees (“Sponsor”) that sell or serve food on-campus for Facility use, other events.

See “Section 1.1 Definitions and Examples” for detailed definitions of Public Event, Private Event, Food, Low Hazard Food, Potentially Hazardous Food, and Approved Licensed Food Processing Establishment.

**1.1 Public or Private Events with ONLY Low Hazard Food given away or sold**

- Established guidelines provided by Environmental Health & Safety must be followed.
- Food operation must be in compliance with law including the California Health & Safety Code.
- No Temporary Food Facility permit needed.
- Recommend (when available) the purchase of foods purchased from Nutrition Services.<sup>1</sup>
- Sponsor assumes liability and responsibility, including financial, for complying with policy and food service health and safety laws.
- No food prepared or stored at home or unlicensed food facility is permitted.

**1.2 Public or Private Events with Potentially Hazardous Food given away or sold**

- Established guidelines provided by Environmental Health & Safety must be followed.
- Food operation must be in compliance with law including the California Health & Safety Code.
- Temporary Food Facility permit must be obtained and prominently displayed. (See §4 Food Permit Process.)

## FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

- EH&S inspects food service operation during activity and activity may be shut down if not in compliance.
- Recommend (when available) the purchase of foods be purchased from District Nutrition Services and prepared at a district licensed food facility.<sup>ii</sup> May be provided by participants, or as purchased from an Approved Licensed Food Processing Establishment and paid for by collection of personal contributions or other group funds.<sup>1</sup>
- Catering is responsible for complying with policy and health and safety laws for food preparation.
- Sponsor assumes liability and responsibility, including financial, for complying with policy and food service health and safety laws.
- No food prepared or stored at home or unlicensed food facility is permitted

### 1.3 Private Events with Low Hazard Food or Potentially Hazardous Food

- Must qualify as Private Event (See §11.2 for definition of Private Event).
- Established guidelines provided by Environmental Health & Safety must be followed.
- No Temporary Food Facility permit needed.
- No scheduled inspections by EH&S.
- The Sponsor and/or the participants assume liability in regards to the safety and wholesomeness of the food items provided and responsibility, including financial, for complying with policy and food service health and safety laws.
- Food should be purchased from District Nutrition Service -Campus Catering, but may be provided by participants, or as purchased from an Approved Licensed Food Processing Establishment and paid for by collection of personal contributions or other group funds.<sup>1</sup>
- No food prepared or stored at home is permitted.

### 2. Private Meetings

Snack foods or light refreshments that are commercially pre-packaged, and commercially produced products purchased from a retail market or restaurant can be served (not sold) at private meetings.

### 3. District Employees

Complimentary food items may be provided by campus employees for sharing with their coworkers in their department or office with the understanding that each employee is responsible for the safety and wholesomeness of the food items he or she provides.

### 4. Exceptions

This policy does not preclude food prepared off-campus to be sold to individuals, and delivered to the District (e.g., pizza delivery services) for individual consumption, vending machines that are placed and operated under contract with the District, packaged food sold for individual consumption. All food sales or service must be in compliance with food health and safety laws.

## FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

### Footnotes

To the extent possible, schools will offer at least two non-fried vegetable and/or two fruit options each day and will offer five different fruits and five different vegetables over the course of a week. Schools are encouraged to source fresh fruits and vegetables from local farmers when practicable.

<sup>3</sup> As recommended by the *Dietary Guidelines for Americans 2005*.

<sup>4</sup> A whole grain is one labeled as a "whole" grain product or with a whole grain listed as the primary grain ingredient in the ingredient statement. Examples include "whole" wheat flour, cracked wheat, brown rice, and oatmeal.

<sup>5</sup> It is against the law to make others in the cafeteria aware of the eligibility status of children for free, reduced-price, or "paid" meals.

<sup>6</sup> School nutrition staff development programs are available through the USDA, School Nutrition Association, and National Food Service Management Institute.

<sup>7</sup> Surprisingly, seltzer water may not be sold during meal times in areas of the school where food is sold or eaten because it is considered a "Food of Minimal Nutritional Value" (Appendix B of 7 CFR Part 210).

<sup>8</sup> If a food manufacturer fails to provide the *added* sugars content of a food item, use the percentage of weight from total sugars

(in place of the percentage of weight from *added* sugars), and exempt fruits, vegetables, and dairy foods from this total sugars limit.

<sup>9</sup> Schools that have vending machines are encouraged to include refrigerated snack vending machines, which can accommodate fruits, vegetables, yogurts, and other perishable items.

<sup>10</sup> Unless this practice is allowed by a student's individual education plan (IEP).

<sup>11</sup> Advertising of low-nutrition foods and beverages is permitted in supplementary classroom and library materials, such as newspapers, magazines, the Internet, and similar media, when such materials are used in a class lesson or activity, or as a research tool.

<sup>12</sup> Schools should not permit general brand marketing for food brands under which more than half of the foods or beverages do not meet the nutrition standards for foods sold individually or the meals are not consistent with school meal nutrition standards.

<sup>13</sup> Useful self-assessment and planning tools include the *School Health Index* from the Centers for Disease Control and Prevention (CDC), *Changing the Scene* from the Team Nutrition Program of the U.S. Department of Agriculture (USDA), and *Opportunity to Learn Standards for Elementary, Middle, and High School Physical Education* from the National Association for Sport and Physical Education.

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**FOOD SERVICE/CHILD NUTRITION PROGRAM**

**Nutrition Standards for School Meals**

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-or 220.8, as applicable
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**

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**

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 Safety**

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.

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

**FOOD SERVICE/CHILD NUTRITION PROGRAM** (continued)

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)

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)

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**

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-113725.1 and applicable county regulations.

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, obtain a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

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)