



# STUDENT WELLNESS

A Healthy Food and Physical Activity Policy Resource Guide

  
**SUCCESSFUL STUDENTS**  
Through Healthy Food and Fitness Policies  
**ACT NOW FOR ACADEMIC EXCELLENCE**



UPDATED NOVEMBER 2012



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# **STUDENT WELLNESS**

## **A Healthy Food and Physical Activity Policy Resource Guide**

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California School Boards Association

2012

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## Preface

The link between student health, school attendance and academic achievement is well documented. Thus, school districts and county offices of education across California are developing and implementing strategies to help students practice healthy eating and physical activity habits. These strategies include nutrition education and physical education programs that teach essential concepts and skills, reinforcement of this message through healthy school meals and opportunities to be physically active during the school day, and other activities that promote a healthy lifestyle. This guide shares successful policies and practices that governing boards and district staff can use to establish healthier school environments.

In 2000, the California School Boards Association partnered with California Project LEAN (Leaders Encouraging Activity and Nutrition) to educate school board members on the critical link between nutrition, physical activity, health, and academic achievement; and to provide districts and school board members with tools and sample policies to support a healthy school environment. The result was the 2003 publication of the *Healthy Food Policy Resource Guide*. In 2006 the guide was expanded and retitled *Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide*. The guide was revised in 2012 to update statistics, best practices, information on nutrition and physical activity resources, sample policies, and policy briefs. The work in this guide carries forward the fruit of that rich collaborative past.

Chapter I of the guide examines the extent to which childhood obesity, poor nutrition, and lack of physical activity are a problem in our schools. Chapters II, III and IV propose actions that districts and their boards can take to address the problem, with a focus on the board's policy development role. Chapter V and the appendices provide additional resources that districts might consult when developing, implementing or evaluating their efforts to promote student wellness.

**Copies of the guide may be downloaded at [www.csba.org](http://www.csba.org). To purchase a hard copy of the guide, visit the CSBA Store at [www.csba.org](http://www.csba.org) or contact CSBA at (800) 266-3382.**

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# I. Introduction

The primary responsibility of schools is to foster academic achievement. Schools do this by not only providing a high-quality instructional program, but also by addressing the needs that influence academic achievement. Student health has a tremendous impact on student learning.

This chapter provides information about the link between nutrition, physical activity and academic achievement as well as statistics on student health and the implications of these findings for schools. It is clear that schools can better prepare students to learn by helping them develop and practice healthy eating and physical activity habits.

## IMPACT OF NUTRITION AND PHYSICAL ACTIVITY ON ACADEMIC ACHIEVEMENT

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Common sense would suggest that students are more likely to attend school and be better able to learn and achieve when they are in good health. This is supported by a growing body of research examining the extent to which nutrition and physical activity influence student performance.

### Nutrition

Nutrition is an essential first step toward a student's readiness to learn. Healthy, well-nourished children are more prepared to learn, more likely to attend school and class, and better able to take advantage of educational opportunities. Inadequate nutrition during childhood can have a detrimental effect on children's cognitive development.<sup>1</sup> Research provides compelling evidence that:

- Chronically undernourished children attain lower scores on standardized achievement tests, are more irritable, have difficulty concentrating and have lower energy levels. Undernourished students have less ability to resist infection and are more likely to become sick, and therefore miss school, resulting in reduced revenues to schools.<sup>2-3</sup>
- Undernourishment impacts the behavior of children, their school performance, and their ability to concentrate and perform complex tasks.<sup>4</sup>
- Children's brain function is diminished by short-term or periodic hunger or malnutrition caused by missing or skipping meals.<sup>5</sup>

- Inadequate consumption of key food groups deprives children of essential vitamins, minerals, fats and proteins that are necessary for optimal cognitive function.<sup>6</sup>
- Low protein intake has been associated with lower achievement scores.<sup>7</sup>
- Iron deficiency is one of the most prevalent nutritional problems of children in the United States. Iron deficiency can increase fatigue, shorten attention span, decrease work capacity, reduce resistance to infection, and impair intellectual performance. Consequently, anemic children tend to do poorly on vocabulary, reading and other tests.<sup>8-9</sup>
- Adequate water consumption may improve cognitive function in children and adolescents.<sup>10-12</sup>

Furthermore, research shows a direct relationship between a nutritious breakfast and educational achievement. Studies have repeatedly demonstrated that breakfast at school not only enhances learning, but also reduces tardiness and improves daily attendance. Some important research findings indicate:

- Eating a healthy breakfast is associated with reductions in absenteeism and nurse visits as well as improvements in memory, attention, behaviors and cognitive function.<sup>13-15</sup>
- Children who begin their school day without breakfast pay less attention in the late morning, have a negative attitude toward schoolwork, and attain less in class.<sup>16</sup>
- Increases in participation in school breakfast programs are associated with increases in math and reading test scores, daily attendance, class participation and reductions in tardiness and absenteeism.<sup>17-24</sup>
- Higher Academic Performance Index scores are found in California schools where a higher percentage of students in grades 7, 9 and 11 ate breakfast on the day of the test.<sup>25</sup>

### Physical activity

Physical activity can also have a positive impact on student achievement. Physical activity is important because it plays a role in creating an optimal learning condition for

the brain. Studies suggest a connection between physical activity and increased levels of alertness, mental function and learning.<sup>26</sup> Research also indicates that physical activity increases blood flow to the brain and releases endorphins, which have a positive impact on mood. Some additional research provides evidence that:

- Students participating in daily physical education exhibit better attendance and academic performance, and a more positive attitude towards school.<sup>27-28</sup>
- Moderate physical activity has a positive effect on immune function. Coupled with good nutrition, it can help prevent colds and the flu, two of the most common childhood ailments, and thus improve school attendance.<sup>29</sup>
- Higher achievement is associated with higher levels of fitness for fifth-, seventh- and ninth-graders. Females demonstrate higher achievement levels than males, particularly at higher fitness levels.<sup>30</sup>
- Adolescents who report engaging in regular physical activity are more likely to receive an “A” in English or math than those who do not engage in regular physical activity.<sup>31</sup>
- The relationship between academic achievement and fitness is greater in mathematics than in reading, particularly at higher fitness levels.<sup>32</sup>
- Decreasing the time allotted for physical education in favor of academic subjects does not lead to improved academic performance and may harm health.<sup>33</sup> In one program, redirecting 240 minutes per week from class time for academics to physical activity led to higher mathematics scores.<sup>34</sup>
- Students perform better on reading comprehension, math and spelling tests when they have a 20-minute period of physical activity immediately preceding the test.<sup>35</sup>
- The type of physical activity matters. Students who engage in moderate to vigorous physical activity experience the greatest gains in academic achievement.<sup>36</sup>
- Regular physical activity breaks during the school day may enhance academic performance, attention and behavior in the classroom.<sup>37-38</sup>

- Students are more attentive after recess than before.<sup>39</sup>
- California schools with high percentages of students who do *not* routinely engage in physical activity and healthy eating habits have smaller gains in test scores than do other schools.<sup>40</sup>

**“Studies indicate important links between nutrition, physical activity and academic achievement. Healthy kids make better students. School board members are uniquely positioned to take powerful leadership roles in this effort.”**

—William Potts-Datema, M.S., Director,  
Partnerships for Children’s Health, Harvard  
School of Public Health

## IMPACT OF NUTRITION AND PHYSICAL ACTIVITY ON HEALTH

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Healthy eating and physical activity contribute to increased quality of life and reduced risk for the top three leading causes of death in the United States (heart disease, cancer and stroke) and certain other chronic diseases (e.g., high blood pressure and type 2 diabetes).<sup>41-42</sup> Unfortunately, although there is a growing awareness of the importance of a healthy lifestyle, too many children and youth are suffering from the effects of poor nutrition, inadequate physical activity and overweight/obesity. There is concern that the health risks caused by childhood obesity may lead to chronic illness in adulthood and decrease the lifespan of the current generation of children in America.<sup>43</sup>

### Physical health

Physical health risks associated with poor nutrition, inadequate physical activity and overweight/obesity include, but are not limited to:

- **Type 2 diabetes.** Type 2 diabetes is increasingly being diagnosed in children and adolescents, especially among African American, Mexican American and Pacific Islander youth. Among children diagnosed with type 2 diabetes, 80 percent are overweight.<sup>44</sup>

- **Cardiovascular disease.** Coronary heart disease, congestive heart failure, stroke and other diseases of the heart and blood vessels are linked to elevated cholesterol levels, high blood pressure, obesity, and insulin resistance and glucose intolerance.<sup>45</sup> In a sample of obese children ages 5-17 years, 70 percent had at least one risk factor and 39 percent had two or more risk factors.<sup>46</sup>
- **Cancer.** Overweight and obesity have been linked to increased risk for numerous types of cancer. Also, dietary factors such as food type, variety, preparation, portion size, and fat content may influence cancer risk. For instance, excess consumption of processed and red meats has been linked to increased risk for colorectal and prostate cancer.<sup>47</sup>
- **Inadequate bone health.** Adequate nutrition, especially the consumption of calcium-rich foods, and weight-bearing exercise are important factors in achieving and maintaining optimal bone mass and reducing the risk of osteoporosis later in life. Bone growth is particularly crucial during adolescence because 85 to 90 percent of adult bone mass is acquired by age 18 in females and age 20 in males.<sup>48</sup>
- **Dental caries.** Dental caries are the single most common chronic childhood disease, affecting more than 50 percent of children and youth ages 5 to 17.<sup>49</sup> Frequent consumption of sugar and sugar-sweetened sodas increases the risk for and severity of tooth decay.<sup>50</sup> Poor oral health has been associated with decreased school performance, difficulty remaining alert and engaged in a learning environment, and poor self-esteem. School attendance is also affected. Every year more than half a million children in California, and nearly two million nationally, miss school due to oral health problems.<sup>51-52</sup>
- **Iron deficiency.** Consuming inadequate amounts of foods containing iron (e.g., meat, poultry, egg yolk, nuts, green leafy vegetables, whole grain breads), as well as foods high in vitamin C which help the body absorb iron, limits the body's ability to carry oxygen in the blood. As a result, iron deficiency can

result in increased fatigue, shortened attention span, decreased work capacity and cognitive function, impaired psychomotor development, and reduced resistance to infection.<sup>53</sup>

In addition, being overweight can trigger or exacerbate a variety of chronic medical conditions in school-aged children, including asthma, joint problems, depression/anxiety, and sleep apnea.<sup>54</sup>

**“Poor diet and physical inactivity are the most important factors contributing to an epidemic of overweight and obesity affecting men, women, and children in all segments of our society. Even in the absence of overweight, poor diet, and physical inactivity are associated with major causes of morbidity and mortality in the United States.”**

—*Dietary Guidelines for Americans 2010*

Eating disorders such as anorexia nervosa and bulimia, more common among females than males, can cause severe health complications and have some of the highest mortality rates for any psychiatric disorder. Extreme diets and other eating behaviors are a concern even when they do not meet the criteria for an eating disorder. A national study conducted in 2009 found that 11 percent of the students had gone without eating for more than 24 hours; 5 percent had taken diet pills, powders or liquids without a physician's advice; and 4 percent had vomited or taken laxatives in the previous 30 days to lose weight or keep from gaining weight.<sup>55</sup>

### **Social and emotional health**

In addition to the physical health risks associated with overweight and obesity, research also indicates a higher than anticipated impact on self-esteem and quality of life. A study reported in the *Journal of the American Medical Association* found that emotional and social well-being decreases as soon as a child's weight rises above average; the results are not limited to severely obese children.<sup>56</sup>

Effects of obesity on emotional health include lower self-esteem, increased anxiety and stress, negative body



image and depression. Social health impacts include stigmatization, negative stereotyping, discrimination, teasing and bullying and social marginalization.<sup>57</sup>

The psychological stress of social stigmatization imposed on obese children may be just as damaging as the medical morbidities. Severely obese children exhibit a quality of life as bad as that of children undergoing chemotherapy.<sup>58-59</sup>

## EXTENT OF THE PROBLEM

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Because of the impact of poor nutrition, inadequate physical activity, and overweight/obesity on student achievement and health, it is important to monitor the extent to which these conditions are a problem among our youth and the extent to which obesity prevention initiatives are succeeding.

### Poor nutrition

Today's students generally fail to meet the Dietary Guidelines for Americans which recommend that children two years and older eat a diet consisting of nutrient-dense foods. This includes eating foods that are low in fat, sugar and sodium, eating a variety of fruits, vegetables and whole grains, and consuming fat-free or low-fat milk or milk products.

Data from a 2009 survey of California children ages 9-11 and a 2006 survey of California adolescents ages 12-17 indicate that:<sup>60-61</sup>

- On average, children ages 9-11 eat 3.1 servings of fruits and vegetables per day, primarily fruits. Only 18 percent meet the MyPyramid recommendation of eating five or more fruits and vegetables per day.
  - Among teens, approximately 41 percent of both males and females consumed five or more servings of fruits and vegetables the previous day. However, the recommended number of servings is higher for male teens (minimum seven servings) than for female teens (minimum five servings); thus, males were half as likely to meet the applicable standard. Approximately 11 percent of teens report consuming less than one serving of fruits or vegetables the previous day.
  - Children and teens consume an average of 3.5 and 3.6 servings of milk products per day, respectively,
- but only 26.8 percent of children and 43.9 percent of teens drink nonfat or 1 percent fat milk.
  - On a typical day, children eat or drink 3.6 servings of high-calorie, low-nutrient foods and beverages, including 1.7 servings of sweets, 1.0 servings of sugar-sweetened beverages, and 0.9 servings of high-fat snacks.
  - On a typical day, 38.2 percent of teens eat chips/fried snacks, 32.1 percent eat bakery desserts, 25.8 percent eat breakfast pastries, 24.3 percent eat candy, 18.7 percent eat deep fried foods, and 16.5 percent eat french fries. Approximately 60 percent of teens consume two or more high-calorie, low-nutrient foods and beverages per day.
  - Half of children and teens report drinking a glass, can or bottle of sugar-sweetened beverages (e.g., regular soda, sweetened fruit drinks, flavored and sweetened bottled water or tea, and sports drinks, but excluding diet soda and flavored milks) on a typical day. Latino and African American children drink more than one-third of a serving more per day compared to white children. While consumption of sugar-sweetened beverages is high, there has been a significant decline in recent years (from 58 to 52 percent for children between 1999 and 2009, and from 68 to 49 percent for teens between 2000 and 2008).<sup>62</sup>

Exacerbating the problem of poor nutrition is the growing incidence of "food insecurity" (i.e., the limited or uncertain availability to acquire foods). In 2011, 19.3 percent of Californians reported not having enough money in the past year to buy food that they or their family needed.<sup>63</sup>

### Inadequate physical activity

The U.S. Department of Health and Human Services' *2008 Physical Activity Guidelines for Americans*<sup>64</sup> recommend that children and adolescents be physically active at least 60 minutes per day, with most of that time being spent in moderate- to vigorous-intensity aerobic physical activity. As part of the 60 minutes or more of physical activity, children and adolescents should include muscle-strengthening and bone-strengthening physical activity on

at least three days of the week. Research indicates that in California:

- Among children ages 9-11, fewer than half (48.2 percent) meet the guideline to engage in at least 60 minutes of moderate to vigorous physical activity daily. Boys are more likely than girls to meet the guideline (54.5 percent of boys, 42.1 percent of girls).<sup>65</sup>
- The rate of physical activity tends to decline with age. Among teens ages 12-17, 41.0 percent report that, in a typical week, they are physically active for at least 60 minutes per day on five or more days.<sup>66</sup>
- Although 70.6 percent of teens report getting “regular” physical activity, 7.3 percent report that they get no physical activity. The proportion of teens getting no physical activity is higher among females, Latinos and African Americans, and teens from low-income families.<sup>67</sup>
- Just 31 percent of students in grades 5, 7 and 9 who were tested with the state’s physical fitness test scored in the “healthy fitness zone” for all six areas measured (25.2 percent of 5th graders, 32.0 percent of 7th graders and 36.8 percent of 9th graders); see Figure 1. Standards for the critical areas of aerobic capacity and body composition were met by 61-63 percent and 52-59 percent of students at the three grade levels, respectively.<sup>68</sup>
- A variety of factors contribute to lack of physical activity. One-quarter of teens report having no access to a safe park, playground or open space within walking distance of home.<sup>69</sup> Other barriers reported by teens include having no time (25.0 percent), being too busy (13.8 percent), being lazy (12.4 percent), being too tired (11.9 percent), preferring to do something else (9.3 percent), having homework (9.0 percent), already getting enough physical activity (5.0 percent), and other reasons (13.6 percent).<sup>70</sup>

**FIGURE 1. CALIFORNIA PHYSICAL FITNESS TEST RESULTS**

Percentage of students in Healthy Fitness Zone			
	Grade 5	Grade 7	Grade 9
<i>Physical fitness area</i>			
Aerobic capacity	61.4	63.0	61.7
Body composition	52.1	55.5	59.4
Abdominal strength	78.9	85.1	87.2
Trunk extension strength	87.4	90.2	92.0
Upper body strength	69.0	72.2	77.3
Flexibility	70.9	79.1	83.7
<i>Number of fitness areas in Healthy Fitness Zone</i>			
6 of 6	25.2	32.0	36.8
5 of 6	23.2	22.8	22.6
4 of 6	20.2	19.4	19.3
3 of 6	15.5	14.0	12.2
2 of 6	10.1	7.8	5.9
1 of 6	4.7	3.1	2.4
0 of 6	1.1	0.7	0.9

Source: California FITNESSGRAM Results 2011

### Overweight/obesity

A steady increase in obesity has occurred over the past 30 years, especially among children and youth. Nationally, obesity rates have nearly quadrupled among children ages 6-11 (from 4 to 19 percent) and tripled among children ages 2-5 (from 5 to 14 percent) and teens ages 12-19 (from 5 to 17 percent). Approximately a third of American children and youth are either obese or at risk of becoming obese.<sup>71</sup>

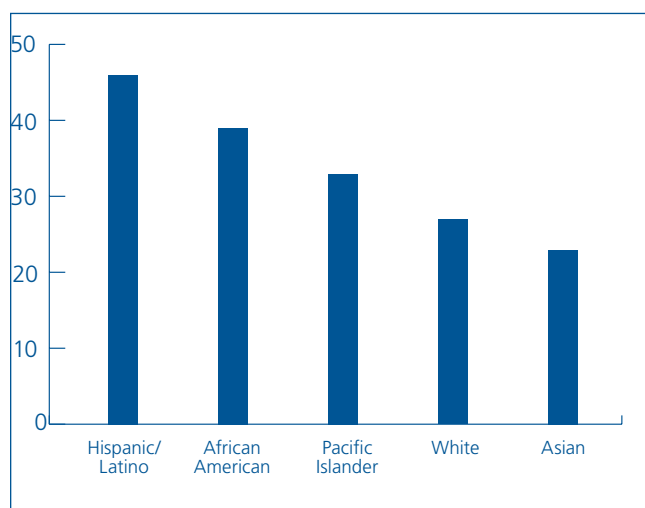
**“We like to think of ourselves as a youthful nation focused on healthy lifestyles, but behind this image is a troubling reality — a generation of young people that is in large measure inactive, unfit, eating poorly, and at an alarming rate, becoming obese.”**

—Dr. Julie Gerberding, M.D., M.P.H., Director  
Centers for Disease Control and Prevention

The trend in California is similar, with about a third of all children and teens being at risk of or already overweight.<sup>72-73</sup> The rates of obesity and overweight vary

by race/ethnicity and are highest for Hispanics/Latinos and African Americans; see Figure 2.<sup>74</sup> In addition, the rate is higher among low-income children, with more than 40 percent of children from low-income and very low-income households being overweight or obese.<sup>75</sup>

**FIGURE 2. CHILDHOOD OVERWEIGHT AND OBESITY IN CALIFORNIA BY RACE/ETHNICITY**



Source: Babey, S.H., et al. (2011).

Overweight, obesity and physical inactivity, in addition to impacting the health of individuals, have economic costs including health care expenditures and decreased worker productivity. A study of such costs in California found that the cost had nearly doubled in six years, from \$21 billion in 2000 to \$41 billion in 2006.<sup>76</sup>

Similarly, increased absenteeism due to the health risks associated with overweight and obesity has economic costs for school districts. Based on the number of overweight students in California and the estimated rate of absenteeism among overweight students, it is estimated that an average-sized school district in California could potentially lose \$160,000 per year due to overweight and obesity.<sup>77</sup>

## NUTRITION AND PHYSICAL ACTIVITY IN SCHOOLS

Because of the amount of time that children and youth spend in schools and the programs and services that schools provide, schools can influence the nutrition and physical activity status of students. It is useful to examine the quality of those programs and services and the extent to which students are participating.

**“The prevalence of high-fat and sugary foods in students’ lives outside of school doesn’t negate the positive effects schools can make. CATCH, Food on the Run, SPARK, and other school-based nutrition and physical activity programs have shown behavior and physiological improvement.”**

—Howard Taras, M.D., Chair, Committee on School Health, American Academy of Pediatrics

### School meals

Students consume about 35 percent of their daily calories at school.<sup>78</sup> Thus, the school food environment influences what children and teens eat.

State law requires all schools to provide at least one “nutritionally adequate” meal each school day to students who meet federal eligibility for free and reduced-price (FRP) meals. Districts may seek reimbursements through the National School Lunch Program and/or School Breakfast Program or the State Meal Program. Schools participating in the National School Lunch or Breakfast Program must extend meal service to all students enrolled in the school. In addition, districts may operate a summer meal program under an agreement with the California Department of Education and may offer snacks or meals in a before- or after-school, child care, or preschool program. Schools that do not participate in the National School Lunch or Breakfast Program may provide milk at reasonable prices to students through the federally funded Special Milk Program.

Foods and beverages offered through these programs are subject to nutrition standards specified in law and regulation. Districts that participate in the National School Lunch or Breakfast Program or any other federally funded nutrition program are mandated under the Healthy, Hunger-Free Kids Act of 2010 to adopt a districtwide student wellness policy which includes nutrition guidelines for all foods available on school campuses.

Districts must monitor the extent to which their school meals comply with federal and state nutrition standards, and are subject to reviews by the state every five years. While most districts succeed in serving foods with key

nutrients, a recent analysis of data from the state reviews showed that 60 percent of the school lunches failed to meet at least one federal nutritional requirement.<sup>79</sup> For instance, about 30 percent exceeded the saturated fat limit, 80 percent exceeded recommended sodium levels, and more than 23 percent failed to meet three or more nutritional standards. California schools outperform many other states (only 7 percent of schools nationwide met all nutritional requirements), but must still continually work towards ensuring full compliance.

District and student participation in the school lunch program is higher than participation in the school breakfast or other programs; see Figure 3. Each day, an average of 3.2 million children in California received a school lunch in 2010-11, compared to 1.3 million who received a school breakfast. These figures represent a 0.59 percent increase in school lunches and a 5.75 percent increase in school breakfasts over three years between 2008-09 and 2010-11, despite a 5.93 percent decrease in average daily attendance during that time.<sup>80</sup>

**FIGURE 3. PARTICIPATION IN SCHOOL MEAL PROGRAMS 2010-11**

	National School Lunch Program	National School Breakfast Program	Summer Meal Program*	After-School Meal Supplements
Number of participating public school districts	1,029	893	444	586
Number of sites	9,759	9,121	3,013	4,634 including private schools and residential child care institutions
Number of meals served	580.6 million	229.5 million	6.4 million	66.9 million
% of meals that were free	69.3	79.5	n/a	97.2**
% of meals that were reduced price	10.7	9.8	n/a	n/a
Average daily participation	3.2 million	1.3 million	354,696	371,513

Source: California Department of Education, Nutrition Services Division

\* Includes both Seamless Summer Feeding Option and Summer Food Service Program.

\*\* Percentage of area-eligible free meal supplements. Does not include non-area eligible free or reduced-price meal supplements.

The vast majority of meals served were provided free or at a reduced price to eligible students. Nevertheless, although 3.5 million students in the state are eligible for FRP meals (56.7 percent of the total student enrollment), average daily participation rates suggest that significant numbers of eligible students do not participate.<sup>81</sup>

Data available for 2009-10 indicate that 70 percent of FRP-eligible students participated in the school lunch program and only 30 percent participated in the school breakfast program. If school breakfast participation equaled school lunch participation among low-income students, California's public schools would have received an additional \$350 million in federal meal reimbursements during the year.<sup>82</sup>

### Other food sales

Some schools sell food outside the regular food services program, such as through vending machines, student stores, or student or adult organizations. Such outside food sales are subject to state law regarding nutrition standards, time and location of the sale and other conditions. In addition, districts that participate in the National School Lunch or Breakfast Program are required to establish rules or regulations to control the sale of food in competition with the lunch or breakfast program. Under the Healthy, Hunger-Free Kids Act of 2010, the U.S. Secretary of Agriculture is required to establish federal nutrition standards for all foods sold and served in school at any time during the school day.

In 2006, a survey of California teens indicated that many had access to soda vending machines (45 percent), snack and candy vending machines (39 percent) and fast food (23 percent).<sup>83</sup> Access to soda and fast food had declined between 2000 and 2006, but access to snacks and candy had not changed.

National data also indicate wide availability of competitive foods, especially at the middle and high school grades.<sup>84</sup> When high-calorie, low-nutrient foods were not available, middle school students ate more vegetables than students at other schools.

Unhealthy foods competing with the school meal program cause schools to lose potential revenues from federal meal reimbursements as part of the National

School Lunch and Breakfast Programs. A study from U.C. Berkeley showed that the greatest meal revenue increases were seen in sites that completely eliminated a la carte food sales, provided that the menu items meet a reasonable standard of quality and appeal.<sup>85</sup>

Few studies have been conducted regarding the availability of competitive foods since certain critical state requirements went into effect. For example, since July 1, 2009, school vending machines cannot sell foods containing artificial trans fat during school hours and up to one-half hour before and after school hours. Also, nutrition standards for beverages were phased in for high schools between 2007 and 2009. As a result of these laws, it is expected that access to non-nutritious foods and beverages should be declining. With the establishment of federal nutrition standards for all food sales, the school food environment should be making additional strides toward ensuring that all foods available at school are aligned with the district's nutrition education curriculum and other student wellness efforts.

### **Use of foods as rewards**

Many local student wellness policies encourage school staff to avoid giving non-nutritious foods and beverages as rewards for student behavior or achievement. However, a 2009 survey found that just under half of California children ages 9-11 report that their teacher rewards students by giving out high-calorie, low-nutrient rewards such as candy, cookies, chips or soda.<sup>86</sup>

Children from very low income households were more likely than those from average and higher income households to receive such awards from teachers.

### **Physical activity and physical education**

For many students, the school's physical education program and/or athletic program provides the best opportunity to engage in physical activity. However, daily participation in physical education classes has been dropping nationally, from 41.6 percent in 1991 to 28.4 percent in 2003.<sup>87</sup>

In California, schools are required to provide physical education instruction for at least 200 minutes every 10

school days for elementary students and at least 400 minutes every 10 school days for secondary students. Studies suggest that secondary schools may be meeting this requirement, but many elementary schools are not. One study concluded that fewer than half of the state's school districts met the minimum number of instructional minutes for elementary students;<sup>88</sup> another estimated that elementary students spent an average of 168 minutes in physical education every 10 school days.<sup>89</sup>

Furthermore, many physical education classes do not provide students with adequate opportunities to engage in moderate to vigorous physical activity. Most time during physical education is spent being sedentary, with only four minutes of every half hour involving vigorous activity. Lower activity levels are found among elementary schools, lower income schools and larger classes (more than 45 students).<sup>90</sup>

### **Student wellness policies**

Despite some concerns about the nutrition and physical activity programs offered in schools, there is evidence that school districts are working to strengthen their policies and practices related to student wellness.

Any district participating in the National School Lunch and/or Breakfast Program or any other federal child nutrition program is required to establish a districtwide student wellness policy under the federal Child Nutrition and WIC Reauthorization Act of 2004, as amended in 2010 by the Healthy, Hunger-Free Kids Act (Public Law 111-296). (See Chapter III for further information about requirements for the student wellness policy.) Analysis of a sample of 388 California district policy manuals found that 95 percent had adopted a student wellness policy.<sup>91</sup>

A comprehensive survey<sup>92</sup> of California school board members conducted in 2006 found that 84 percent believe student wellness is a high or moderate priority in their district. The majority expect that student wellness policies will have a positive impact on the rate of student overweight and obesity and on improved health status over the long term including rates of diabetes, cancer and heart disease. The most frequently reported perceived

barriers to implementation of student wellness policies were, in order:

1. Inadequate funding
2. Competing priorities and lack of time
3. Lack of student support
4. Lack of parent/guardian support

Although funding was the number one concern, most board members expected the financial impact of their wellness policy to be neutral, and some expected that the policy will actually have a positive financial impact.

A follow-up online survey in 2009 focused on board members' perceptions related to physical activity in schools.<sup>93</sup> More than 90 percent felt that physical activity has a high or moderate impact on student fitness levels, academic performance, lifetime physical activity behaviors, and mental, social and emotional health. Financial concerns continued to be the biggest challenge in addressing physical education and activity at the district level, followed by limited time in the school day and competing district priorities.

A national survey<sup>94</sup> in 2005-06 found that schools had taken a number of actions during that school year to improve student nutrition, including changing lunch menus/choices (35 percent), changing vending machine selections (22 percent), and reducing access to vending machines (22 percent). Few had removed vending machines (9 percent) or established longer lunch periods (2 percent). In the same study, schools most frequently reported that they were increasing physical activity by promoting walking or biking to school (27 percent), making changes in the physical education curriculum (29 percent), increasing sports teams or intramural activities (21 percent), increasing physical education time (14 percent), and increasing recess time (10 percent). As in California, the national survey found that funding and time were perceived as the biggest barriers to promoting nutrition and physical activity in schools.

## SUMMARY

It is clear that the health conditions of students, including their nutritional well-being and physical fitness, impact their ability to learn and their academic achievement as well as their long-term health consequences. It is also clear that too many of today's students suffer from poor nutrition, inadequate physical fitness, and overweight/obesity. Initiatives to promote student wellness are prominent at the national and state levels and throughout many communities, but much remains to be done to reverse the trend toward overweight/obesity.

Schools play an important role in these efforts. To better prepare students to learn, schools should provide education and an environment that give students the skills, opportunities and encouragement they need to adopt healthy lifestyles. This requires more than educating youth on the importance of eating healthy foods and being physically active. Students cannot practice what they learn if they are offered mostly foods and beverages high in fat and sugar, and little opportunity to be physically active in schools. The next chapter of this guide provides suggestions for actions that districts and their governance teams might take to promote student wellness.

**“To stop the obesity epidemic in this country, we must remember that Americans will be more likely to change their behavior if they have a meaningful reward... The real reward has to be something that people can feel and enjoy and celebrate. That reward is invigorating, energizing, joyous health. It is a level of health that allows people to embrace each day and live their lives to the fullest—without disease, disability, or lost productivity.”**

—*The Surgeon General's Vision for a Healthy and Fit Nation (2010), p. 12*

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## II. Providing a comprehensive program on nutrition and physical activity

Schools alone cannot meet all the nutrition and physical activity-related needs of students. However, because the relationship between health, nutrition, physical activity and learning is so strong, and because young people spend so much of their time at school or at school-related activities, schools can be a vital part of the solution.

A comprehensive school nutrition and physical activity program can help students attain full academic potential and optimal health by providing the skills, social support, and environmental reinforcement necessary to adopt lifelong healthy eating and physical activity behaviors. By adopting effective programs, districts and schools ensure that the health of students is a top priority.

### WHAT DISTRICTS CAN DO

This section presents a number of recommendations to support a healthy school nutrition and physical activity environment. See chapter V for a list of resources that may provide further discussion of these issues and additional ideas.

To provide a comprehensive nutrition and physical activity program, districts should consider the following actions:

#### 1. Create a coordinated approach, within the district and within the community, to address student health and learning.

- Establish a vision, goals and objectives for student wellness that reflect a coordinated school health approach.
- Establish and maintain an active stakeholder group, such as a district or school health council or committee, to participate in the development, revision, implementation, monitoring, evaluation and reporting of the district's student wellness policy. Ensure that there is broad involvement of parents, students, food services employees, physical education teachers, school health professionals, board members, school administrators, and members of the public. The district may also wish to invite

participation of health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners and/or others interested in school health issues.

- Align wellness-related policies, programs and practices of the district to provide clear expectations and direction for all schools with respect to student wellness. Alignment should include all relevant district activities including summer learning opportunities, before- and after-school programs, preschool or child care programs, extracurricular programs, and any other district-sponsored programs.
- Collaborate with local agencies and community organizations to conduct a community needs assessment, identify available resources and develop a shared vision and action plan to promote healthy eating and physical activity throughout the community. (See *CSBA's Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement for further discussion of the steps in building a collaborative and examples of successful coordinated programs.*)
- Reach out to health practitioners and agencies to assist with providing health services at or near school sites.

#### Coordinated School Health Approach

The coordinated school health approach embraces the link between health and education. As described in the *Health Framework for California Public Schools (2003)*, a coordinated approach to school health includes eight essential components which will improve students' health and their capacity to learn through support of families, schools and communities working together. These components develop and reinforce health-related knowledge, skills, attitudes and behaviors and make health an important priority at school. The eight components of coordinated school health include:

- **Health education** — classroom instruction that addresses the physical, mental, emotional, and social dimensions of health

- **Family and community involvement** — partnerships among schools, parents and community groups to maximize resources and expertise in supporting the health of young people
- **Healthy school environment** — the school's physical, emotional, and social climate; providing a safe physical plant and a healthy, supportive environment for learning
- **Physical education** — school-based instructional program that provides students with the skills, knowledge, attitudes and confidence to be physically active for life
- **Nutrition services** — reinforcement of classroom-based nutrition education, promotion of healthy eating behaviors, and integration of nutritious, affordable and appealing meals
- **Health promotion for staff** — assessment, education and wellness activities for school faculty and other staff
- **Health services** — preventive services, education, emergency care, referral, and management of acute and chronic health conditions to ensure health of students
- **Psychological and counseling services** — activities that focus on cognitive, emotional, behavioral, and social needs in the school and home

## **2. Provide nutrition education and physical education programs that teach students essential skills and encourage them to adopt a healthy lifestyle.**

- Establish specific goals for the district's nutrition education and physical education programs.
- Ensure that schools offer daily physical education in all grades, prekindergarten through grade 12. California law requires that physical education be offered, at a minimum, 200 minutes per 10 school days for elementary students and 400 minutes per 10 school days for middle and high school students.
- Provide physical education that is consistent with California's *Physical Education Model Content*

*Standards for California Public Schools* and that engages students in moderate to vigorous physical activity at least 50 percent of physical education class time.

- Employ credentialed physical education specialists at all grade levels. In the event that it is necessary to use elementary classroom teachers to provide physical education, ensure that they receive adequate professional development and ongoing support to provide a more active physical education program.

### **Improving PE in low-resource schools**

A study by The California Endowment showed that physical education in low-resource schools was generally deficient in both quantity and quality. However, there are also success stories from schools who have overcome barriers to improve their programs. *Physical Education Matters* (2008) presents several case studies and describes lessons learned from these schools which can be applied by other schools.

Because physical education time may be the only chance children in low-resource neighborhoods get to be active, physical education should teach students physical and social skills they do not learn elsewhere. The report concludes that schools should seek supplemental funds to improve their programs, schedule enough time for physical education, ensure reasonable class size comparable to other subjects to give children more space to be active and more attention from the teacher, provide nontraditional activities to make physical education more active and fun, involve teachers in the activities to serve as role models, and provide structure and discipline to set the tone for the class and let students know what to expect.

For further information, read the full report and other resources located at <http://www1.calendow.org/Article.aspx?id=3920>.

- Provide nutrition education that is consistent with *California's Health Education Standards for California Public Schools*, *Nutrition Competencies for California Public Schools* and guidelines in *California's Nutrition*

*Education Resource Guide.* The health education standards include standards related to nutrition education at grades kindergarten, 2, 4, 5, 7, 8 and 9-12. The “nutrition competencies” define what students need to know and be able to do at each grade level to build nutrition literacy, and can be used to determine a scope and sequence for nutrition curricula.

### **Case study: nutrition education in Elk Grove Unified School District**

Consistent with its student wellness policy, the Elk Grove Unified School District places a high priority on nutrition education. Nutrition education follows the Shaping Health as Partners in Education (SHAPE) approach and is supported by Network for a Healthy California, a statewide initiative of local, state and national partners working together to improve the health status of low-income parents and children.

The district’s program integrates nutrition education with core curricular areas. Other components include field trips (e.g., to a food processing center, farmers’ market, local food bank, local grocery store), Harvest of the Month, farm-to-school program, school gardens, grocery store education (e.g., product placement), Nutrition Olympics, high school nutrition advisory/ DVD, and the “Ask Anne” newsletter. District efforts are aided by partnerships with the Dairy Council, Future Farmers of America, Power Play, local farms, community service clubs, nonprofit organizations, and the medical community, including Kaiser Permanente and Health Net.

The district’s program was featured in an Education Insights @ CSBA webinar. See the archived webinar at [www.csba.org/TrainingAndEvents/Events/EducationInsightsArchivedWebinars.aspx](http://www.csba.org/TrainingAndEvents/Events/EducationInsightsArchivedWebinars.aspx).

- Provide nutrition education within a health education class or as a separate class to ensure that it is taught in a sequential and comprehensive manner. In addition, look for opportunities to reinforce nutrition education concepts in other subjects, such as English language arts,

mathematics, science, chemistry, social science, physical education, and family and consumer science.

- Link child nutrition services with nutrition education in the classroom through coordination between food service staff and teachers.
- Encourage and facilitate the use of school gardens to support nutrition education programs.
- Provide professional development to teachers and other staff who provide nutrition education to ensure that they are qualified to develop students’ knowledge and skills in a manner that encourages students to learn and adopt healthy eating behaviors.

### **3. Ensure quality school meals.**

- Establish and enforce nutrition standards that meet or exceed the nutrition standards specified in federal and state law for all school meals.
- Involve students in the selection, tasting and marketing of healthy foods and beverages that appeal to students.
- Provide a variety of food options, such as fruits, vegetables, whole grains, and dairy foods that are low in fat and added sugars.
- Encourage farm-to-school programs to increase the provision of fresh fruits and vegetables.
- Offer a variety of healthy choices that appeal to students, including cultural and ethnic favorites.
- Make free, clean drinking water available to students during meal service and ensure that drinking fountains are operable, clean and convenient for students to use throughout the school day.
- Commit all schools to participating in available child nutrition programs, including breakfast, lunch, after-school snacks or meals, child care, and summer food service.
- Prevent the overt identification of students who are eligible for free and reduced-price meals and work to eliminate any social stigma attached to the program.
- Allocate adequate space and other necessary resources for the procurement, provision and preparation of foods that meet nutrition standards.

### **Case study: Nutrition standards in the San Francisco Unified School District**

The San Francisco Unified School District's board of education has been a leader in setting bold nutrition policy. With a motto of "No Empty Calories," the board adopted a districtwide policy in 2003 that is more stringent than nutrition standards outlined in state law or the new federal nutrition standards.

"We believe it is our role to set a standard," said Jill Wynns, board of education commissioner and 2012 CSBA President. "A school should never send a message that eating unhealthy foods is good."

The district's nutrition standards not only set maximum levels for fat and sugar but also require minimum levels of nutrients in all foods sold at every school — elementary through high school. Baked chips, for example, have less fat than regular chips, but contain no more vitamins or minerals than their high-calorie counterparts so they are not sold in district schools.

"It was not enough that the foods not be bad for kids," said Dana Woldow, a parent (and now nationally recognized school food advocate) who helped write the district's policy. "We wanted all of the food to actually be good for them. Our schools will not profit from selling nutritionally empty foods."

While schools may keep vending machines on campuses, the machines must be stocked with foods that meet the standards. Vended snacks include cold cereal, yogurt, tuna or chicken salad kits, bags of cashews or almonds, soy crisps, boxes of dried cherries, fruit and grain bars, beef jerky, pretzels and animal crackers. After the policy passed, the food service department saw a slight dip in revenue for the first couple of months, and then vending machine sales went back up.

Additionally, participation in the school lunch program increased. According to Wynns, "The kids in our schools are now saying, 'I like our food. I want to eat it.'"

- Allow an adequate amount of time and space for students to eat school meals, and schedule lunch periods at reasonable hours around midday. Ensure lunch lines are not too long and students have plenty of time to eat their food and socialize in a safe, comfortable and inviting place.

#### **4. Monitor other food sales.**

- Restrict student access to unhealthy foods in vending machines, school stores and other venues that compete with healthy school meals in all grades, prekindergarten through grade 12.
- Ensure that healthy snacks and foods are provided in vending machines, school stores and other venues within the district's control. These options should cost the same or less than unhealthy alternatives.
- Explore how some districts are able to be less reliant on the sale of unhealthy foods and beverages.

#### **5. Develop other strategies to promote healthy eating.**

- Conduct promotional campaigns (e.g., posters, food demonstrations) in the cafeteria and on campus that encourage healthy eating.
- Discourage the use of unhealthy foods (e.g., soda, candy or high-fat foods) as an incentive or reward for good behavior or academic performance in the classroom, and instead encourage non-food alternatives (e.g., inexpensive stickers, pencils or erasers).

## Constructive classroom rewards

Providing food based on performance or behavior connects food to mood. This practice can encourage children to eat treats even when they are not hungry and can instill lifetime habits of rewarding or comforting themselves with food behaviors associated with unhealthy eating or obesity. Examples of alternative rewards include:

**Social rewards** — attention, praise, smiles and thanks

**Recognition** — trophy, certificate, ribbon, school announcement, photo recognition board in the school, letter to the student’s parents, note from the teacher

**Privileges** — going first, choosing a class activity, helping the teacher, playing an educational game, eating lunch with the teacher

**Rewards for a class** — extra recess, eating lunch outdoors, going to the lunchroom first, reading outdoors, listening to music while working, playing a game together

**School supplies** — pencils with decorations, pens, erasers, notepads, stencils, bookmarks

Excerpted from the Center for Science in the Public Interest, *Constructive Classroom Rewards: Promoting Good Habits While Protecting Children’s Health*, [www.cspinet.org/new/pdf/constructive\\_classroom\\_rewards.pdf](http://www.cspinet.org/new/pdf/constructive_classroom_rewards.pdf)

- Serve healthy foods such as smoothies, fat-free or low-fat yogurt, or salads for class parties.
- Continually seek other sources of revenue for schools so food service programs, booster clubs, student clubs, and parent teacher associations do not have to support their activities through the sale of unhealthy foods in vending machines, snack bars, student stores, and other food outlets.

## Creative school fundraising ideas

California has nutrition guidelines that must be followed for all foods and beverages sold on school campuses during the day, including foods and beverages sold for fundraisers. Foods and beverages sold outside the school day are not required to follow nutrition standards, but some school districts have adopted policy that encourages *all* fundraisers to follow guidelines for healthy foods. Here are some ideas for fundraising that do not involve unhealthy foods:

- Gift wrapping, such as gift wrapping for donations at bookstore during holidays
- Fun runs, walk-a-thon, bike-a-thon, jump-rope-a-thon
- Three-on-three basketball tournament
- Car wash
- Singing telegrams
- Talent show
- Read-a-thon, spelling bees, science fairs
- Carnivals
- Dances
- Bowling night
- Skate night
- Raffles (teachers do a silly activity)
- Magic show
- Family portraits
- Sales of caps or t-shirts
- Odd jobs performed by student volunteers

Schools might also work with the community in fundraising events for the school, such as:

- Catering of a community event by the district food service department
- Workshop or class
- Conference
- Treasure hunt or scavenger hunt
- Tennis or horseshoe competition
- Recycling cans, bottles and paper
- Golf tournament
- Rent-a-teen-helper
- Auction or money jar
- Community job fair (charge an exhibit fee)
- Bricks with engraved donor names
- Sales of candles, books or plants

*Excerpted from Shasta County Public Health Department*

- Prohibit the promotion and advertising of unhealthy foods and beverages.
- Do not enter into or renew a contract for the sale of foods or beverages that do not meet nutrition standards.

### Assessing school-based marketing

Direct and indirect advertising and other commercial activities in schools can provide supplementary money, products, or services to schools, but should not present a message that is inconsistent with the district's priority on student wellness. To determine the types of food and beverage marketing currently found at schools, districts and schools may use a tool such as the School Food and Beverage Marketing Assessment Tool available from California Project LEAN ([www.californiaprojectlean.org](http://www.californiaprojectlean.org)). Answering the evaluation questions on this form requires walking around the school campus to observe any advertisement, marketing or promotion of foods and beverages (whether healthy or unhealthy) as well as interviews of students or staff. It is also recommended that school personnel and/or student volunteers take pictures of the advertising/marketing they find or take samples if appropriate.

## 6. Provide opportunities for physical activity throughout and beyond the school day.

- Encourage physical activity throughout the school day, such as through recess, physical activity breaks in the classroom, and other structured and unstructured physical activity opportunities.
- Offer extracurricular physical activity programs, such as physical activity clubs, intramural programs, or interscholastic athletics.
- Allow sufficient time during the day for supervised recess for elementary school students.
- Assess and make needed improvements to make it easier and safer for students to walk and bike to school. Explore funding availability of the federal Safe Routes to School program.
- Disallow the use of physical activity (e.g., running laps, pushups) or withholding of opportunities for physical activity (recess, physical education) as punishment.
- Provide opportunities for physical activity in before- and after-school programs and summer learning programs.
- Provide children and others in the community with access to school physical activity facilities and grounds before, during and after school, on weekends, and during school vacations where feasible.

### Joint use of facilities

One common barrier to expanding physical activity opportunities is the lack of safe and accessible places in the community for children to play. Similarly, some schools lack adequate facilities and resources for physical education and activity programs. To address these concerns, it may be feasible for districts to collaborate with one or more governmental agencies or community-based organizations to jointly share recreational facilities such as gymnasiums, swimming pools, playgrounds, school yards, playing fields, tracks, and multipurpose rooms.

For example, as part of the Los Angeles County Department of Public Health's RENEW (Renewing Environments for Nutrition, Exercise and Wellness) Initiative, the Alliance for a Better Community is partnering with the Los Angeles Unified School District to improve access to school sites after school hours and on weekends. The Joint Use Generating Activity and Recreation (JUGAR) program began in two pilot communities and aims to facilitate greater physical activity through implementation and coordination of joint use agreements within the school district.

For further information about joint-use agreements, see CSBA's sample board policy BP 1330.1 - Joint Use Agreements in Chapter IV and CSBA's policy brief *Maximizing Opportunities for Physical Activity Through Joint Use of Facilities* in Appendix B.

## 7. Assess the district's nutrition and physical activity programs.

- Work with the board to establish indicators that will be used to measure the district's progress toward achieving its goals for nutrition and physical activity and a schedule for reporting results to the board and the public. (See *CSBA's Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies.*)
- Appoint one or more district or school employees to ensure that each school complies with district policy.
- Involve students, parents, food service employees, physical education teachers, school health professionals, the governing board, school administrators, and members of the public in reviewing and updating the district's student wellness policy.
- Periodically assess the extent to which schools are in compliance with district policy and evaluate the effectiveness of district policy and practice in achieving the desired results.
- Compare the district's policies to U.S. Department of Agriculture model wellness policies and other successful school-based models.

## WHAT SCHOOL BOARDS CAN DO

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The following section looks more closely at the role of school boards in promoting healthy eating and physical activity.

School boards are elected to govern the community's schools. This involves setting a direction for the district, establishing a structure for action, providing support, holding the system accountable, and providing leadership in the community. Thus, the board is in a powerful position to encourage and facilitate programs that enhance student health.

The school board, working closely with the superintendent as a governance team, can enhance good nutrition and physical well-being for students in the following ways:

### 1. Set a vision for good nutrition and good health.

In a district's vision statement or in its mission and goals statement, a board can emphasize its priority for supporting student health. Goals and objectives of the district should include specific desired outcomes related to nutrition education and promotion, physical activity, and other activities that promote student wellness.

### 2. Become advocates for good health and nutrition.

The board has the responsibility to provide leadership in the schools and the community. Boards can draw attention to the needs of the students and schools and help garner the support necessary to address those needs. Because local, state and federal officials also make decisions that impact children's nutritional health, the board can seek opportunities to influence legislative and regulatory bodies on this issue.

### 3. Adopt policy.

The board sets expectations and provides direction through the adoption of policies on a variety of topics. If the district participates in the National School Lunch or Breakfast Program or any other federally funded child nutrition program, the board is required to adopt a districtwide wellness policy in accordance with the federal Child Nutrition and WIC Reauthorization Act of 2004, as amended by the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296). The board also can review the district's policy manual for other opportunities to promote healthier eating habits and physical activity throughout the school day and in before-school, after-school and summer programs. (See *Chapter III: Policy Development.*)

### 4. Adopt curriculum.

Upon recommendation from the superintendent and district staff, the board adopts academic standards, the curriculum, and instructional materials. In this way, the board establishes what students will be learning. The board must ensure that the curriculum reflects the district's vision and results in a written, sequential K-12 curriculum that teaches students about nutrition and physical activity.



## **5. Allocate resources to district programs.**

The board adopts the district budget and, in so doing, must ensure that budget priorities reflect the goals and priorities set forth in its vision statement. If nutrition education, food programs and physical activity are a priority, funds must be allocated to support those activities. These may include funds from foundations and government grants.

## **6. Ensure program accountability.**

The board monitors program outcomes and holds the superintendent accountable. If the district participates in a federal child nutrition program, the board must ensure that the implementation of the district's student wellness policy is periodically assessed in accordance with the requirements of the Healthy, Hunger-Free Kids Act of 2010. The board also has a responsibility to inform and update students, parents and the public about the implementation of the wellness policy and the district's progress in attaining the goals of the policy. As needed, the board should require adjustments in district policy or practice to ensure continuous improvement. (See *CSBA's Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies.*)

## **7. Encourage collaborative approaches.**

The eating habits and activity patterns of children can be positively influenced by collaboration among districts, local agencies (e.g., health agencies, parks and recreation agencies), and community organizations. As public officials elected to provide community leadership, school boards are in a powerful position to champion the cause, identify potential partners, engage stakeholders in a coordinated effort within the community, and be involved in the development of a shared vision. These efforts should begin with development of a shared vision and action plan. (See *CSBA's Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement.*)

### III. Policy development

Districts may already have a number of policies in place related to student health, nutrition and physical activity. These may or may not have been developed in a comprehensive manner based on relevant research and putting the needs of children and youth first. It is recommended that districts take a hard look at their existing policies, using the material in this chapter as a starting point, to ensure that district policies are up to date and reflect the board's and community's priority on student health and wellness.

For any district participating in the National School Lunch and/or Breakfast Program or any other federal child nutrition program, the urgency of adopting a comprehensive approach to improving student health has been increased by a requirement under Section 204 of the federal Child Nutrition and WIC Reauthorization Act of 2004 to establish a districtwide student wellness policy. Requirements for the local wellness policy were amended by the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296). As amended, the district is required to include parents, students, food service employees, physical education teachers, school health professionals, board members, school administrators, and members of the public in the development of the policy. At a minimum, the policy must address:

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

The information below, and throughout this guide, can assist the board and its stakeholders in the review of these issues and the development of appropriate policy.

### THE BOARD'S ROLE IN POLICY

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One of the board's most effective tools for establishing expectations and holding the system accountable is by setting policy. School boards adopt policies to ensure that actions taken by district staff support the district vision for student learning. Policies are also adopted to communicate the expectations of the board and community regarding the overall climate in schools throughout the district.

Boards want to help, reach out, fix, anticipate, and respond to issues present in the school community. To accomplish these goals, it is important to utilize a system that provides equal access, stability and democracy, and recognizes the collective nature of a working board's legal authority and responsibility.

There are many reasons that it is important to work through policies:

- Voting on a policy provides clear direction to the superintendent. Board members may not all agree, but the policy development and adoption process ensures a majority of the board comes to agreement, making it possible to provide coherent rather than fragmented policy messages to the staff.
- By creating policies, boards can initiate action or respond to district stakeholders in an appropriate and systematic way.
- A policy manual provides a structural framework to guide and organize the district, and helps clarify district philosophy as well as the roles and responsibilities of the board, the superintendent and staff.
- Policy development, adoption and evaluation are the mechanisms by which district operations remain stable through changes in board members, superintendent or staff.
- Development of sound policies through an effective process increases public confidence by showing that the district is being governed and operated with a focus on student learning, within the parameters of law and in accordance with sound business practices.

- Policies help ensure decisions are made thoughtfully, while keeping in mind the larger policy direction of the district. This process can help districts avoid setting a precedent with individual decisions which may be hastily made without taking into consideration the long-term implications.

The public entrusts school boards with responsibility for making sure the community's public schools do the best possible job of providing a quality education. Setting policy direction and parameters can be done only by locally elected school boards that are vested with the authority to make decisions in the public policy arena on behalf of the community.

The policies that are in a district policy manual are often developed and recommended to the board based on a mandate from a new law, a change in existing law, or a directive from the board or superintendent to address a perceived need. Many districts in California regularly receive sample policies and administrative regulations from CSBA (see chapter IV) which they tailor to meet their needs. While district staff usually drafts the policy language, the board has the responsibility first to ensure the language clearly reflects the board's policy intent and then to adopt the policy.

Subsequently, the superintendent or assigned staff member drafts administrative regulations based on the policy. The superintendent knows the specific practical and enforceable steps that are needed to make the policy succeed. Regulations and policies are often adopted at the same time or located together so it is clear what actions will result from the adoption of the policy.

## **POLICY DEVELOPMENT PROCESS**

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The following Nutrition Policy Development Worksheet and Physical Activity Policy Development Worksheet provide a guide for school boards, superintendents, district staff and others to develop and review related board policies and administrative regulations.

**Part I** of each worksheet introduces the policy topic and provides a series of questions designed to facilitate the board's discussion and to develop an understanding of this issue and its relationship with student learning and achievement.

**Part II** uses a series of questions to help boards, administrators, staff and others assess existing board policies and administrative regulations related to nutrition or physical activity in order to determine the need for the development or revision of current policies or regulations.

**Part III** suggests a policy development process to help school boards, administrators, staff, and others determine the necessary actions and responsibilities for collecting data and for making recommendations on the relevant board policies and administrative regulations.

**Part IV** provides a format for completing policy revisions and developing new board policies and administrative regulations.

A **Workplan and Timeline** form is also provided to assist in the planning of the policy work and to establish deadlines.

The policy review and development process described in these worksheets is resource intensive. As such, it provides the greatest opportunity for a full understanding of the issue and its impact on student learning. However, it is recognized that it is very unlikely that any two districts will follow the same policy development process. What is important is for districts to find what works for them, and then to proceed accordingly.

# NUTRITION POLICY DEVELOPMENT WORKSHEET

## PART I: INITIAL DISCUSSION OF TOPIC

**Relationship to student learning:** The following questions are intended to focus your district’s discussion on the relationship between nutrition and student learning.

### 1. Why is nutrition important to student learning?

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### 2. What does your governance team see as the relationship between nutrition and student learning in your district?

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### 3. How will policies on nutrition contribute to improved student learning?

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**Policy topic components:** Below are the basic components that a board should understand and/or address in policy on student nutrition. Some components are directly related to student learning, and others reflect legal compliance issues that are also important to include in policy or administrative regulations. Component statements are not intended to be policy language. Each component statement is a key concept related to the topic, but not the policy language itself. Each component is intended to frame an issue or identify concerns and interests that your board would want to address in a policy on this topic. Under each component statement are questions that may help guide the board’s discussion of the component.

### 1. The board recognizes that proper nutrition is necessary for maximizing the opportunity for a child to learn.

- What does research show about the relationship between nutrition and student learning?

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- What are your community’s and board’s expectations with regard to the nutritional value of all foods available on school grounds?

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➤ Do the nutritional needs of children differ by age group?

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➤ How much time is spent on nutrition education at each applicable grade level? Is this sufficient?

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**2. The district’s curriculum shall include a comprehensive, sequential nutrition education component.**

➤ What are the district’s goals for nutrition education?

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➤ At what grade levels is nutrition education currently taught?

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➤ What topics are currently taught at each applicable grade level?

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➤ Does the curriculum for nutrition education follow a prescribed scope and sequence?

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➤ Is it aligned to the health education content standards adopted by the State Board of Education, the state’s curriculum framework for health education and/or the *Nutrition Competencies for California Public Schools*?

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➤ Who teaches nutrition at the various grade levels?

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➤ In what courses is nutrition education currently taught? Are there other courses that might be able to incorporate nutrition education?

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**3. The district’s school meals program shall meet federal and state nutrition standards and maximize student participation.**

➤ Do all district schools participate in both the National School Lunch and Breakfast Programs? If not, why not?

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➤ What are the current federal and state nutrition standards? Has the board ensured that district nutrition guidelines meet or exceed federal and state nutrition standards?

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➤ What systems and processes has the district put in place to ensure that the standards will be consistently implemented across all district schools?

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➤ Is free, fresh drinking water available to students during meal times? Through what methods?

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➤ How are foods selected for school menus? Are parents or students involved in the process?

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➤ Are students with food allergies or other special dietary needs adequately accommodated?

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➤ What are the current student participation rates in each school meal program across each grade span (elementary, middle, high school) and/or each district school? What is the participation rate for students who are eligible for the free and reduced-price meal program?

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➤ How does the district ensure confidentiality of students participating in the free and reduced-price meal program?

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➤ On average, how much time are students given to eat lunch? Is this adequate?

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➤ What efforts have been made to provide breakfast through alternative methods such as breakfast in the classroom?

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➤ Are school cafeterias and food preparation facilities adequate? Do they comply with sanitation and safety requirements of the California Retail Food Code?

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➤ Do food service personnel receive professional development that includes nutrition standards and food safety?

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**4. The district shall provide meal or snack programs during summer vacation and/or in child care, preschool, or before/after school programs in order to ensure that children are well nourished.**

➤ Does the district have a contract with the California Department of Education to offer a federally funded summer meal program? At what site(s) is the program offered?

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➤ What efforts does the district make to publicize the availability of the summer meal program?

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➤ How many sites in the district offer child care, preschool, or before/after school programs? Do all these sites offer meals or snacks?

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➤ How does the district ensure that the summer meal and other programs meet applicable nutrition standards?

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**5. Other food sales in district schools (e.g., student stores, vending machines, fundraisers) shall encourage healthy eating habits.**

➤ What are the legal requirements regarding food and beverage sales outside the district’s food services program?

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➤ Has the district established nutrition guidelines for all food sold on campus during the day? Do these guidelines promote student health?

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➤ What are the community’s and board’s expectations regarding the use of “junk foods” or soft drinks for fundraisers? Do these expectations vary depending on the age or grade level of students, or should they be consistent?

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➤ How can the district ensure that other food sales do not impair student participation in the district’s food service program?

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➤ By what process are specific food items approved for sale in fundraisers or vending machines?

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➤ Does the district have contractual obligations that need to be taken into consideration (e.g., contracts with beverage companies)?

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➤ What resources are generated by existing arrangements for competitive food/beverage sales? What percentage of the district’s budget consists of private-sector contributions, specifically commercial activities pertaining to non-nutritious foods and beverages? What does research show about student purchases of healthier foods and beverages when these items are made available?

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**6. Advertisements and other commercial messages at schools shall not undermine the district’s efforts to promote healthy eating habits.**

➤ What does research show about the susceptibility of children and youth to commercial persuasion?

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➤ Do existing business partnerships or contracts require the district to advertise as a condition of receiving funds, products, materials or equipment?

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➤ What criteria should be established regarding the content of advertisements aimed at students? Should the board ban or place any restrictions on advertisements of foods and beverages of minimal nutritional value (e.g., soft drinks, foods high in fat or sugar)? Should the criteria/restrictions vary depending on the grade levels of the students in the school?

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➤ What is the district’s current process for reviewing and approving specific requests for advertisements or other commercial activities? To what extent should individual school sites be allowed to make their own decisions regarding commercial activities? Under what circumstances, if any, should the superintendent’s or board’s approval be required?

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➤ Do advertisements in schools imply an endorsement of the product by the district? What steps can be taken to clarify that the district is not endorsing a product?

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- Does the district’s educational program include instruction in media literacy which helps students to become critically aware consumers?

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**7. The district encourages other school-based activities that promote nutrition.**

- Are teachers encouraged to support student wellness by avoiding the use of non-nutritious foods or beverages as rewards for academic performance or classroom behavior?

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- Are non-nutritious foods and beverages commonly provided by parents or other volunteers for class parties or school celebrations? Do school administrators or teachers encourage the provision of healthy foods? If so, what is the reaction of parents and students? Do parents and other volunteers need additional guidance to provide healthy options?

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- How many district schools, if any, have established school gardens as a way to support the nutrition education program and provide fresh fruits and/or vegetables for student consumption?

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- In what other ways have schools promoted healthy eating habits?

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**8. The district shall regularly evaluate the effectiveness of its nutrition policies and programs.**

- Who has the superintendent assigned to oversee the implementation of the district’s wellness policy and ensure compliance of all schools?

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➤ What indicators will be used to measure the effectiveness of the district’s nutrition policies and programs?

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➤ What type of reports does the board expect to receive, and how often?

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As part of your discussion of the above policy components related to nutrition, your board may identify additional related policy components in your district and community. Those components should be listed here.

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**PART II: ASSESSMENT OF EXISTING POLICY**

Review your current board policy and administrative regulations related to food service, food sales and nutrition education based on the following questions. The assessment should determine whether your policies include all the policy components identified in Part I.

**1. List your board policies related to nutrition.**

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**2. Do the policies include a focus on student learning? How?**

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**3. Are the administrative regulations consistent with the board policies?**

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**4. Does district practice comply with the policies/ administrative regulations?**

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**5. Do the policies reflect current legal requirements?**

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**6. As a result of the board discussion in Part I and assessment of policy just completed in Part II, in what areas does your board need to develop new policy, or delete or revise current policy?**

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**Note:** Items 7 and 8 are intended to identify issues related to, but not directly part of, the policy topic under consideration. In addition, items 7 and 8 may identify issues that require further attention to ensure the alignment of policy, other key work of boards, and other district documents.

**7. Has your board’s policy discussion and/or policy assessment raised any policy issues for future review or action?**

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**8. Based on your discussion and assessment, do other district documents require future review or revisions, such as the following?**

- District budget
- Collective bargaining agreements
- Strategic plan
- School improvement plans
- Employee handbook
- Staff development plan
- Student handbook
- Other

**PART III: POLICY DEVELOPMENT PROCESS**

As part of the policy development process, your governance team should determine the data needed to effectively address this policy topic. This includes determining where the data may be available, the appropriate allocation of resources for data collection and analysis, and the assignment of responsibility for data collection, analysis and recommendations. The process also should include opportunities for input from affected parties in the district and the community.

**1. What data do you need in order to develop nutrition-related policies?**

- List the internal and external data sources.

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**2. Who beyond the governance team should be involved in the policy development process (e.g., parents, students, food service director, food service staff, physical education and health teachers, school health professionals such as school nurses, dietitians, health department, public health and health care professionals, school administrators, or other interested community members)?**

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**3. What are the recommendations from the individuals listed above?**

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**4. What are the recommendations of staff based on an analysis of the data?**

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**PART IV: BOARD POLICY CONTENT DIRECTIONS**

**Content directions:** Your board should identify the content components of new or revised policy based on the discussion, assessment, analysis and input in Parts I through III and a review of the following questions:

**1. Which of the policy components listed in Part I and those recommended by key stakeholders (identified in Part III) does the board want included in a new or revised policy?**

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**2. Does the assessment of existing policy completed in Part II identify any additional content components the board wants in new or revised policy?**

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**3. Has the board identified any content in existing policy that should not be included in new or revised policy?**

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**4. Do the data and input developed in Part III reveal any additional (or new) content components the board wants in new or revised policy?**

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**Review of draft policy:** After the board has completed the process described previously, the superintendent, policy committee, and/or other appropriate designees should prepare a draft policy, arrange for legal review of the policy and bring it to the board for consideration at a public board meeting. The following questions should be used to guide the board’s review of draft policy. If any significant revisions are required, some or all of the questions in Parts I through IV may need to be revisited before the policy is formally adopted.

**5. Does the draft policy accurately reflect the board’s intent? In what ways, if any, should the policy be revised to better communicate the board’s direction?**

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**6. Does public or staff input add any new issues that need to be addressed?**

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**7. What criteria will the governance team use to determine whether this policy achieves the desired results?**

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**8. What provisions does the draft policy include for periodic review and evaluation?**

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**Note:** Following adoption of the policy by the board, the superintendent should develop a plan for communicating the policy to interested parties, as well as a plan to implement the policy. The plan could include agreement on the goals, community outreach, key messages to be communicated, the individuals, groups and media organizations to receive the communication, and, when appropriate, strategies that tailor the messages for each of these groups so people receive the information of most use to them. Once a policy has been adopted, it is the board’s responsibility to support it by providing the necessary funding when a budget is adopted, considering the policy implications of collective bargaining decisions, and modeling the behavior called for in policy.

# NUTRITION POLICY WORKPLAN AND TIMELINE

Activity	Person Responsible	Deadline
<b>Part I:</b> Introduction of topic and initial board discussion of broad issues	_____	_____
<b>Part II:</b> Assessment of existing policy	_____	_____
<b>Part III:</b> Data collection and analysis	_____	_____
Professional staff analysis and recommendation	_____	_____
District and community input	_____	_____
<b>Part IV:</b> Board content directions	_____	_____
Drafting of recommended policy	_____	_____
Legal review	_____	_____
First reading: board initial opportunity for public input	_____	_____
Drafting of revised policy, if necessary	_____	_____
Legal review of revised policy	_____	_____
Second reading and adoption	_____	_____
Communication of new policy, specifically: (list)	_____	_____
Implementation by superintendent and staff	_____	_____
Review and evaluation	_____	_____
Modify policy based on review and evaluation	_____	_____

# PHYSICAL ACTIVITY POLICY DEVELOPMENT WORKSHEET

## PART I: INITIAL DISCUSSION OF TOPIC

**Relationship to student learning:** The following questions are intended to focus your district’s discussions on the relationship between physical activity and student learning.

### 1. Why is physical activity important to student learning?

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### 2. What does your governance team see as the relationship between physical activity and student learning in your district?

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### 3. How will policies on physical activity contribute to improved student learning?

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**Policy topic components:** The following are the basic components that a board should understand and/or address in policy on physical activity. Some components are directly related to student learning, and others reflect legal compliance issues that are also important to include in policies or regulations. Component statements are not intended to be policy language. Each component statement is a key concept related to the topic, but not the policy language itself. Each component is intended to frame an issue or identify concerns and interests that your board would want to address in a policy on this topic. Under each component statement are questions that may help guide the board’s discussion of the component.

### 1. The board recognizes that physical activity is necessary for maximizing the opportunity for a child to learn.

- What does research show about the relationship between physical activity, health, and student learning?

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- What are your community’s and board’s expectations with regard to the schools’ responsibility to provide and promote physical activity?

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- What are the district’s goals for physical activity?

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- Are different strategies for promoting physical activity needed based on students' ages, gender, socioeconomic status, or availability of community resources?

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**2. The district's curriculum shall include physical education at all grade levels.**

- What types of physical education are currently taught at each grade level? What does research show are the components of a successful physical education program?

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- Is the district's curriculum aligned to the state's content standards and framework for physical education?

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- How much time is spent on physical education at each grade level? Does this meet legal requirements? Is it sufficient?

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- On average, what percentage of class time are students spending on moderate to vigorous physical activity? Does it vary by grade level or course?

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- Are the physical activities age and culturally appropriate?

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- Do marching band classes and similar activities satisfy physical education requirements of the district? Should substitutions for physical education be permitted?

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- Are some students temporarily or permanently excluded from physical education? Who and why?

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➤ Are appropriate alternative activities provided for students with a physical disability that may restrict excessive physical exertion?

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➤ What are the qualifications of staff teaching physical education? What is the student/teacher ratio? Is this adequate?

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➤ How is students' physical performance assessed and graded? How are these evaluations, plus the results of the annual physical performance testing designated by the State Board of Education, used in program planning and in assisting individual students?

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➤ Is the physical education curriculum linked to the district's nutrition and/or health curriculum to provide a comprehensive, coordinated approach to physical fitness topics?

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➤ Are physical education classes adequately equipped?

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➤ Do playgrounds, sports fields, and other facilities for physical activities meet or exceed recommended safety standards?

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**3. Interscholastic athletic programs, if any, shall be integrated with the educational program and promote physical fitness and good sportsmanship.**

➤ What are the legal requirements and California Interscholastic Federation principles and rules applicable to interscholastic athletic programs? Is the district's program consistent with those laws, principles and rules?

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➤ How is student eligibility for participation in interscholastic athletic programs determined? Are requirements for academic eligibility the same as for other extracurricular/co-curricular activities?

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➤ Is the district’s program free from discrimination? Does it provide equivalent opportunities for both males and females? What does “gender equity” mean in terms of athletic programs?

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➤ What are the qualifications of coaches in the district?

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➤ What provisions are necessary to maximize the health and safety of student athletes? Is protective equipment available as necessary?

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**4. Additional opportunities for physical activity shall be provided through structured and unstructured activities throughout the school day.**

➤ Do elementary students have recess breaks of at least 20 minutes per day? Are recess supervisors trained and encouraged to engage students in physical activity during recess? Is playground equipment or sports equipment available to students during recess or lunch breaks?

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➤ Do teachers recognize the value of incorporating physical activity in the classroom as a teaching method or as a short break to engage and energize students?

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➤ Do district schools participate in programs to encourage students to walk or bicycle to and from school? Has the district assessed routes to school to determine what changes, if any, would be needed to improve the safety of such routes for students who walk or bicycle?

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➤ What clubs or extracurricular programs include physical activity as a goal?

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➤ Do school competitions or fundraisers promote physical activity (e.g., jog-a-thons, sports tournaments)?

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- What other structured and unstructured activities can schools implement to promote physical activity?

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**5. The district shall engage in a collaborative effort to promote students' physical activity beyond the school day.**

- To what extent is physical activity incorporated into any district-operated summer programs, before- or after-school programs, or child care programs? Are physical activity goals for these programs aligned with other student wellness goals?

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- What opportunities are available for schools to promote parent and community involvement in reducing children's sedentary behavior, such as by reducing television viewing? How are parents involved in the physical activity programs offered at the various school sites?

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- Is the district currently involved in local partnerships working to provide opportunities for physical activity for children and youth in the community? What other local agencies, organizations, businesses, or community leaders might be approached to initiate or expand collaboratives focused on children's health and fitness?

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- Does the district currently make its school grounds or facilities available before, during and after the school day, on weekends, and during school vacation periods for recreational, sports, or other physical activity use? Does the district have any joint use agreements in place for such use of district grounds or facilities?

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- What types of state and/or federal resources are available? In which federal and/or state programs does the district current participate?

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**6. The district shall regularly evaluate the effectiveness of its physical activity policies and programs.**

- Who has the superintendent assigned to oversee the implementation of the district’s wellness policy and ensure compliance of all schools?

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- What indicators will be used to monitor the implementation of the district’s physical activity policies and programs? How will the district measure the impact of the physical activity program on student health and learning?

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- What type of reports does the board expect to receive, and how often?

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**PART II: ASSESSMENT OF EXISTING POLICY**

Review your current board policies and administrative regulations related to physical activity based on the following questions. The assessment should determine whether your policies include all the components identified in Part I.

**1. List your board policy or policies related to physical activity.**

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**2. Does the policy include a focus on student learning? How?**

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**3. Are the administrative regulations consistent with board policy?**

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**4. Does district practice comply with policy/ administrative regulations?**

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**5. Does the policy reflect current legal requirements?**

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**6. As a result of the board discussion in Part I and assessment of policy just completed in Part II, in what areas does your board need to develop new policy, or delete or revise current policy?**

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**Note:** Items 7 and 8 are intended to identify issues related to, but not directly part of the policy topic under consideration. In addition, items 7 and 8 may identify issues that require further attention to ensure the alignment of policy, other key work of boards, and other district documents.

**7. Has your board’s policy discussion and/or policy assessment raised any policy issues for future review or action?**

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**8. Based on your discussion and assessment, what other district documents require future review or revisions, such as the following?**

- District budget
- Collective bargaining agreements
- Strategic plan
- School improvement plans
- Staff development plan
- Student handbook
- Other

### PART III: POLICY DEVELOPMENT PROCESS

As part of the policy development process, your governance team should determine the data needed to effectively address this policy topic. This includes determining where the data may be available, the appropriate allocation of resources for data collection and analysis, and the assignment of responsibility for data collection, analysis and recommendations. The process also should include opportunities for input from affected parties in the district and the community.

**1. What data do you need in order to develop policy related to physical activity?**

- List internal and external data sources.

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**2. Who beyond the governance team should be involved in the policy development process (e.g., parents, students, physical education and health teachers, school health professionals such as school nurses, health department, public health, and health care professionals, county/city parks and recreation representatives, school administrators, other interested community members)?**

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**3. What are the recommendations from the stakeholders listed above?**

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**4. What are the recommendations of staff, based on an analysis of the data?**

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### PART IV: BOARD POLICY CONTENT DIRECTIONS

*Content directions:* Your board should identify the content components of new or revised policy based on the discussion, assessment, analysis, and input in Parts I through III and a review of the following questions.

**1. Which of the policy components listed in Part I and those recommended by key stakeholders (identified in Part III) does the board want included in a new or revised policy?**

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**2. Does the assessment of existing policy completed in Part II identify any additional content components the board wants in new or revised policy?**

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**3. Has the board identified any content in existing policy that should not be included in new or revised policy?**

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**4. Do the data and input developed in Part III reveal any additional (or new) content components the board wants in new or revised policy?**

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**Review of draft policy:** After the board has completed the process described above, the superintendent, policy committee and/or other appropriate designees should prepare a draft policy, arrange for legal review of the policy, and bring it to the board for consideration at a public board meeting. The following questions should be used to guide the board's review of draft policy. If any significant revisions are required, some or all of the questions in Parts I through IV may need to be revisited before the policy is formally adopted.

**5. Does the draft policy accurately reflect the board's intent? In what ways, if any, should the policy be revised to better communicate the board's direction?**

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**6. Does public or staff input add any new issues that need to be addressed?**

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**7. What criteria will the governance team use to determine whether this policy achieves the desired results?**

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**8. What provisions does the draft policy include for periodic review and evaluation?**

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**Note:** Following adoption of the policy by the board, the superintendent should develop a plan for communicating the policy to interested parties, as well as a plan to implement the policy. The plan could include agreement on the goals; community outreach; key messages to be communicated; the individuals, groups and media organizations to receive the communication; and, when appropriate, strategies that tailor the messages to each of these groups so people receive the information of most use to them.

Once a policy has been adopted, it's the board's responsibility to support it by providing the necessary funding when a budget is adopted, considering the policy implications of collective bargaining decisions, and modeling the behavior called for in the policy.

# PHYSICAL ACTIVITY POLICY WORKPLAN AND TIMELINE

Activity	Person Responsible	Deadline
<b>Part I:</b> Introduction of topic and initial board discussion of broad issues	_____	_____
<b>Part II:</b> Assessment of existing policy	_____	_____
<b>Part III:</b> Data collection and analysis	_____	_____
Professional staff analysis and recommendation	_____	_____
District and community input	_____	_____
<b>Part IV:</b> Board content directions	_____	_____
Drafting of recommended policy	_____	_____
Legal review	_____	_____
First reading: board initial opportunity for public input	_____	_____
Drafting of revised policy, if necessary	_____	_____
Legal review of revised policy	_____	_____
Second reading and adoption	_____	_____
Communication of new policy, specifically: (list)	_____	_____
Implementation by superintendent and staff	_____	_____
Review and evaluation	_____	_____
Modify policy based on review and evaluation	_____	_____



## IV. Sample board policies

More than 80 percent of the school districts in California rely on CSBA's policy services to support their policy development and maintenance needs. CSBA develops sample policies using the following process:

- CSBA's Policy Review Committee identifies policies for development or revision as a result of new legislation, regulatory changes, judicial or attorney general opinions, education research or best practices, and/or CSBA's philosophy on effective governance and other current topics.
- Background materials are gathered and experts are consulted.
- Drafts are produced and reviewed by CSBA policy staff.
- Final drafts are reviewed by CSBA's legal counsel.
- Samples are distributed to client districts for their consideration.

CSBA's materials are samples. Districts are encouraged to tailor the policies to fit their own needs and circumstances. CSBA strongly recommends that district staff reflect on the need for each sample policy provided, gather additional research if necessary, make any necessary changes to the samples in order to reflect local circumstances, and, finally, take the draft policies to the board for consideration, deliberation and adoption.

The following sample board policies (BP) and administrative regulations (AR) relating to nutrition and physical activity are included in this chapter:

<b>BP 0200</b>	<b>Goals for the School District</b>
<b>BP 1330.1</b>	<b>Joint Use Agreements</b>
<b>BP 3312</b>	<b>Contracts</b>
<b>BP/AR 3550</b>	<b>Food Service/Child Nutrition Program</b>
<b>BP/AR 3552</b>	<b>Summer Meal Program</b>
<b>BP/AR 3553</b>	<b>Free and Reduced Price Meals</b>
<b>BP/AR 3554</b>	<b>Other Food Sales</b>
<b>BP 3555</b>	<b>Nutrition Program Compliance</b>
<b>BP 5030</b>	<b>Student Wellness</b>

<b>BP/AR 5142.2</b>	<b>Safe Routes to School Program</b>
<b>BP/AR 6142.7</b>	<b>Physical Education and Activity</b>
<b>BP/AR 6142.8</b>	<b>Comprehensive Health Education</b>

Other policies and administrative regulations that districts might want to review to ensure consistency of district effort include:

<b>BP 1325</b>	<b>Advertising and Promotion</b>
<b>BP/AR 1330</b>	<b>Use of School Facilities</b>
<b>BP/AR 3551</b>	<b>Food Service Operations/ Cafeteria Fund</b>
<b>BP/AR 5141.27</b>	<b>Food Allergies/Special Dietary Needs</b>
<b>BP/AR 5148</b>	<b>Child Care and Development</b>
<b>BP/AR 5148.2</b>	<b>Before/After School Programs</b>
<b>BP/AR 5148.3</b>	<b>Preschool/Early Childhood Education</b>
<b>BP/AR 6145.2</b>	<b>Athletic Competition</b>

**Note:** CSBA's sample policies and administrative regulations are regularly reviewed and revised. Please check with CSBA's Member Services Department to verify whether any changes have been made to the following policies.

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

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## CSBA Sample

### Board Policy

#### Philosophy, Goals, Objectives, and Comprehensive Plans

## BP 0200

### GOALS FOR THE SCHOOL DISTRICT

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

*(cf. 0000 - Vision)*

*(cf. 0100 - Philosophy)*

*(cf. 9000 - Role of the Board)*

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

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

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

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

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

*(cf. 6162.52 - High School Exit Examination)*

2. Maintaining safe and orderly campuses which promote learning

*(cf. 0450 - Comprehensive Safety Plan)*

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

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

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

*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*

*(cf. 6178 - Career Technical Education)*

4. Providing for the specialized needs of identified groups of students, including providing necessary support and intervention programs and closing the gap between low-achieving and high-achieving students

*(cf. 5149 - At-Risk Students)*

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

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

*(cf. 6172 - Gifted and Talented Student Program)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6179 - Supplemental Instruction)*

5. Providing a system of shared accountability for student achievement with clear performance standards and consequences

*(cf. 0510 - School Accountability Report Card)*

*(cf. 2140 - Evaluation of the Superintendent)*

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4215 - Evaluation/Supervision)*

*(cf. 4315 - Evaluation/Supervision)*

*(cf. 9400 - Board Self-Evaluation)*

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

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

*(cf. 5030 - Student Wellness)*

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

*(cf. 6142.8 - Comprehensive Health Education)*

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

*(cf. 5137 - Positive School Climate)*

*(cf. 6142.3 - Civic Education)*

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

*(cf. 3100 - Budget)*

*(cf. 3400 - Management of District Assets/Accounts)*

*(cf. 3460 - Financial Reports and Accountability)*

10. Improving the organization, management, and decision-making structure and capabilities of the

district to better support the education of students

(cf. 2000 - Concepts and Roles)

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

(cf. 0440 - District Technology Plan)

(cf. 4040 - Employee Use of Technology)

(cf. 6163.4 - Student Use of Technology)

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

(cf. 7000 - Concepts and Roles)

(cf. 7110 - Facilities Master Plan)

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

(cf. 1100 - Communication with the Public)

(cf. 1113 - District and School Web Sites)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1240 - Volunteer Assistance)

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

(cf. 6020 - Parent Involvement)

14. Collaborating with other public agencies and private organizations to ensure that children's physical, social, and emotional needs are met

(cf. 1020 - Youth Services)

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

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

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

(cf. 0400 - Comprehensive Plans)

(cf. 0420 - School Plans/Site Councils)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 0520.4 - Quality Education Investment Schools)

(cf. 6171 - Title I Programs)

The Superintendent or designee shall ensure that these goals are communicated to staff, parents/guardians, students, and the community and that those groups are

given an opportunity to provide feedback to the district about the goals.

## Monitoring and Evaluation

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

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

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

(cf. 9322 - Agenda/Meeting Materials)

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

## Legal Reference:

### EDUCATION CODE

33127-33129 Standards and criteria for fiscal accountability

33400-33407 CDE evaluation of district programs

44660-44665 Evaluation of certificated employees

51002 Local development of programs based on stated philosophy and goals

51020 Definition of goal

51021 Definition of objective

51041 Evaluation of the educational program

52050-52059 Public Schools Accountability Act

64000-64001 Consolidated application process

### CODE OF REGULATIONS, TITLE 5

15440-15463 Standards and criteria for fiscal accountability

### UNITED STATES CODE, TITLE 20

6311 Accountability, adequate yearly progress

**Management Resources:**

**CSBA PUBLICATIONS**

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

**WEB SITES**

- CSBA: <http://www.csba.org>
- CSBA, Agenda Online: <http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

**CALIFORNIA DEPARTMENT OF EDUCATION:**

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

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**CSBA Sample  
Board Policy  
Community Relations**

**BP 1330.1  
JOINT USE AGREEMENTS**

*Note: The following optional policy is for use by districts that elect to establish formal agreements with public or private entities to jointly use either school facilities or community facilities in order to share costs and risks. In adopting policy on this topic, districts are encouraged to review CSBA's policy brief **Maximizing Opportunities for Physical Activity Through Joint Use of Facilities** and CSBA's publication **Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement** for tips regarding successful collaboration, information about funding sources for joint use, suggested components of joint use agreements, model agreements, and additional resources. Use of school facilities by the community also may be accomplished through the Civic Center Act (Education Code 38130-38138) and programs such as the After School Education and Safety Program (Education Code 8482-8484.6) and 21st Century Community Learning Centers (20 USC 7171-7176; Education Code 8484.7-8484.9); see BP/AR 1330 - Use of School Facilities and BP/AR 5148.2 - Before/After School Programs.*

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

*(cf. 1020 - Youth Services)*

*(cf. 1330 - Use of School Facilities)*

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

*(cf. 5030 - Student Wellness)*

*(cf. 5141.6 - School Health Services)*

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

*(cf. 5148.2 - Before/After School Programs)*

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

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

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6163.1 - Library Media Centers)*

*(cf. 7000 - Concepts and Roles)*

*(cf. 7131 - Relations with Local Agencies)*

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

*(cf. 1220 - Citizen Advisory Committees)*

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

1. The underlying philosophy or reasons for entering into the joint use agreement
2. The specific district or community facilities or grounds that will be made available to the other party and areas that will be restricted
3. Priorities for use of the property
4. Hours that the property will be available for use by the district, the partner, or other parties
5. Projected capital costs, if any, and operating costs

*(cf. 7110 - Facilities Master Plan)*

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

*(cf. 7210 - Facilities Financing)*

6. Resources to be allocated by the district and the partner

*(cf. 3100 - Budget)*



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

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

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

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

13. Liability, insurance, and risk management issues  
(cf. 3320 - Claims and Actions Against the District)  
(cf. 3530 - Risk Management/Insurance)  
(cf. 9260 - Legal Protection)
14. Duration of the agreement, process for amending the agreement, and the bases for cancelling or terminating the agreement before the expiration date
15. Process for resolving disputes regarding any aspect of the agreement
16. How any equipment purchased or other investments made through the agreement will be disposed of at the termination of the agreement

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

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

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

(cf. 0500 - Accountability)

**Legal Reference:**

**EDUCATION CODE**

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

**BUSINESS AND PROFESSIONS CODE**

25608 *Alcoholic beverages on school premises*

**GOVERNMENT CODE**

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

**UNITED STATES CODE, TITLE 20**

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

**Management Resources:**

**CSBA PUBLICATIONS**

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

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

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

*Checklist for Developing Joint Use Agreements, March 2009*

**PUBLIC HEALTH LAW AND POLICY PUBLICATIONS**

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

**WEB SITES**

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

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**CSBA Sample**  
**Board Policy**  
**Business and Noninstructional Operations**

**BP 3312**  
**CONTRACTS**

*Note: Education Code 17604 authorizes the Governing Board to delegate authority to enter into contracts to the Superintendent wherever the Board is invested with the power to contract. A contract made under this delegation is not valid until it is approved and/or ratified by the Board. The following paragraph may be revised to specify any desired limits to this delegation of authority.*

Whenever state law invests the Governing Board with the power to enter into contracts on behalf of the district, the Board may, by a majority vote, delegate this power to the Superintendent or designee. To be valid or to constitute an enforceable obligation against the district, all contracts must be approved and/or ratified by the Board. (Education Code 17604)

*(cf. 3300 - Expenditures and Purchases)*  
*(cf. 3314 - Payment for Goods and Services)*  
*(cf. 3400 - Management of District Assets/Accounts)*

*Note: Pursuant to Public Contract Code 20104.50, the text or a summary of Public Contract Code 20104.50 must be included in all construction contracts. There are also other sections of law that must be included in construction contracts under certain circumstances. It is recommended that district legal counsel review construction contracts to ensure compliance with law.*

All contracts between the district and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.

*(cf. 2121- Superintendent's Contract)*  
*(cf. 4312.1 - Contracts)*  
*(cf. 9124 - Attorney)*

When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give

written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)

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

The district shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)

**Contracts for Non-Nutritious Foods or Beverages**

*Note: SB 12 (Ch. 235, Statutes of 2005) amended Education Code 49431, which specifies nutritional standards for foods that may be sold at elementary schools, and added Education Code 49431.2 to specify nutritional standards for middle, junior high, and high schools, effective July 1, 2007; see AR 3550 - Food Service/Child Nutrition Program.*

*If the Board wishes to implement the standards prior to July 1, 2007, it should modify the following paragraph accordingly.*

Effective July 1, 2007, the district or a district school shall not enter into or renew a contract for the sale of foods that do not meet the nutritional standards specified in Education Code 49431 or 49431.2 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises. (Education Code 49431, 49431.2)

*(cf. 3554 - Other Food Sales)*

*Note: Education Code 49431.5, as amended by SB 965 (Ch. 237, Statutes of 2005), contains beverage standards for all grade levels. Beverage standards for elementary, middle, and junior high schools are effective January 1, 2006. For high schools, the standards will be phased in so that 50 percent of beverages sold beginning July 1, 2007, and all beverages sold beginning July 1, 2009, meet these standards. Vending machines, student stores, and cafeterias in middle schools, junior high schools, and high schools will be able to sell beverages that do not meet these standards only if the sales occur later than one-half hour after the end of the school day or off school premises; see AR 3554 - Other Food Sales. If the Board wishes to implement the standards at high schools prior to July 1, 2007, it may modify the following paragraph to specify the applicable date.*

In accordance with the dates specified in law, the district or a district school shall not enter into or renew a contract for the sale of beverages that do not meet the nutritional standards in Education Code 49431.5 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises.

*Note: Education Code 35182.5 **mandates** that the Board not enter into a contract that grants exclusive sales or advertising for carbonated beverages, non-nutritious beverages, or non-nutritious food unless it has adopted a policy, at a public hearing, ensuring that the district has internal controls in place to protect the integrity of public funds, that the funds raised will benefit public education, and that the contracts are entered into on a competitive basis. Contracts entered into by districts prior to January 1, 2004, remain in effect; however, these contracts may not be renewed if they conflict with Education Code 35182.5.*

Before the district or a district school enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food as defined in law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)

*Note: Education Code 35182.5 does not define the term “internal controls.” Items #1-2 below are based on suggested “internal controls” as recommended by the California Association of School Business Officials (CASBO), and should be modified to reflect the specific internal controls developed by the district.*

The Superintendent or designee shall develop the district’s internal control procedures to protect the integrity of public funds. Such internal controls may include but not be limited to the following:

1. Control procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

*(cf. 3100 - Budget)*

*(cf. 3400 - Management of District Assets/Accounts)*

*(cf. 3460 - Financial Reports and Accountability)*

2. Procedures to ensure that district personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

In addition, the contract may specify whether contractor logos are permitted on district facilities, including but not limited to scoreboards and other equipment. If such logos are permitted, the contractor shall present the equipment to the Board as a gift. The gift may be accepted by the Board in accordance with Board policy and administrative regulation.

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

*Note: **Optional** items #1-4 below are not required by law, but present additional factors for the Board to consider to help ensure that the funds raised benefit public education in accordance with Education Code 35182.5. The following list should be modified to reflect district practice.*

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may involve parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.
2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district’s vision and goals.

*(cf. 0000 - Vision)*

*(cf. 0100 - Philosophy)*

*(cf. 0200 - Goals for the School District)*

3. The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee the number of food items or beverages sold within the district and the amount of money raised by the sales. The Superintendent or designee shall report these amounts to the Board on a regular basis.
4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fund-raising activities.

*(cf. 1230 - School-Connected Organizations)*  
*(cf. 1321 - Solicitation of Funds from and by Students)*

*Note: Education Code 35182.5 mandates that Board policy ensure that the contract is entered into on a competitive basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. Public Contract Code 20111 requires districts to seek competitive bids through advertisements for contracts for services exceeding an amount specified in law. For a detailed procedure for the bidding of contracts, see AR 3311 - Bids.*

The contract shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

*(cf. 3311 - Bids)*

*Note: Pursuant to Education Code 35182.5, the Board may satisfy the public hearing requirement described in the following paragraph by either (1) a review of the contract at a public hearing by a Child Nutrition and Physical Activity Advisory Committee established pursuant to Education Code 49433 that has contract review authority for the sale of food and beverages, or (2) an annual public hearing to review and discuss existing and potential contracts for the sale of food and beverages on campuses, including food and beverages sold as full meals, as fundraisers, through competitive sales, and through vending machines. The following paragraph may be revised to reflect district practice.*

The Board shall not enter into or renew a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food until parents/guardians, students, and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled Board meeting or as otherwise authorized by Education Code 35182.5. The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5)

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

*(cf. 9323 - Meeting Conduct)*

The public hearing shall include but not be limited to a discussion of the nutritional value of food and beverages sold within the district; the availability of fresh fruit, vegetables, and grains in school meals and snacks,

including locally grown and organic produce; the amount of fat, sugar, and additives in the food and beverages discussed; and barriers to student participation in school breakfast and lunch programs. (Education Code 35182.5)

*(cf. 5030 - Student Wellness)*

The contract shall be accessible to the public and may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public. (Education Code 35182.5)

*(cf. 1340 - Access to District Records)*

### **Contracts for Electronic Products or Services**

*Note: Education Code 35182.5 prohibits districts or schools from entering into contracts for electronic products or services that require dissemination of advertising to students, unless the following conditions are satisfied. This section should be modified to reflect any additional requirements added by the district.*

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)

1. Enters into the contract at a noticed, public hearing of the Board.

*(cf. 9320 - Meetings and Notices)*

2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.

*(cf. 0440 - District Technology Plan)*

3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.

*(cf. 1325 - Advertising and Promotion)*

4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.
5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. Any request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

**Legal Reference:**

**EDUCATION CODE**

200-262.4 Prohibition of discrimination on the basis of sex  
14505 Provisions required in contracts for audits  
17595-17606 Contracts  
35182.5 Contract prohibitions  
45103.5 Contracts for management consulting service  
related to food service  
49431-49431.5 Nutritional standards

**CODE OF CIVIL PROCEDURE**

685.010 Rate of interest

**GOVERNMENT CODE**

12990 Nondiscrimination and compliance  
employment programs  
53260 Contract provision re maximum cash settlement  
53262 Ratification of contracts with administrative officers

**LABOR CODE**

1775 Penalties for violations  
1810-1813 Working hours

**PUBLIC CONTRACT CODE**

4100-4114 Subletting and subcontracting fair practices  
7104 Contracts for excavations; discovery of  
hazardous waste  
7106 Noncollusion affidavit  
20111 Contracts over \$50,000; contracts for  
construction; award to lowest responsible bidder  
20104.50 Construction Progress Payments  
22300 Performance retentions

**UNITED STATES CODE, TITLE 20**

1681-1688 Title IX, discrimination

**Management Resources:**

**CSBA PUBLICATIONS**

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

**WEB SITES**

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

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## CSBA Sample

### Board Policy

#### Business and Noninstructional Operations

## BP 3550

### FOOD SERVICE/CHILD NUTRITION PROGRAM

*Note: The following **optional** policy may be revised to reflect district practice and the meal programs offered by the district. Districts may receive reimbursements to offset the costs of meals through the National School Lunch Program (42 USC 1751-1769j), School Breakfast Program (42 USC 1773), Special Milk Program (42 USC 1772), or other federally reimbursable meal program as described in the Child Nutrition Act (42 USC 1771-1791). In addition, state funding for meals provided to needy children may be available through the State Meal Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for all available state and federal funds.*

*See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. For food sales outside the district's food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.*

The Governing Board recognizes that adequate, nourishing food is essential to student health, development, and ability to learn. The Superintendent or designee shall develop strategies to increase students' access to the district's food service programs and to maximize their participation in available programs.

Foods and beverages available through the district's food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease  
(*cf.* 5141.27 - Food Allergies/Special Dietary Needs)

*Note: 42 USC 1758b, as added by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), mandates each district participating in the National School Lunch Program (42 USC 1751-1769j) or any program in the Child Nutrition Act (42 USC 1771-1791), including the School Breakfast Program, to adopt a districtwide school wellness policy which includes nutrition guidelines for all foods available on school campuses; see BP 5030 - Student Wellness for language fulfilling this mandate. Also see the accompanying administrative regulation for state and federal legal requirements pertaining to nutrition standards.*

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

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

5. Be available to students who meet federal eligibility criteria at no cost or at reduced prices, and to other students at reasonable prices  
(*cf.* 3551 - Food Service Operations/Cafeteria Fund)  
(*cf.* 3553 - Free and Reduced Price Meals)

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

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

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

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

*(cf. 6142.8 - Comprehensive Health Education)*

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

The Superintendent or designee may invite students and parents/guardians to participate in the selection of foods of good nutritional quality for school menus.

The Board desires to provide students with adequate time and space to eat meals. To the extent possible, school, recess, and transportation schedules shall be designed to encourage participation in school meal programs.

The Superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation.

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3517- Facilities Inspection)*

*(cf. 7110 - Facilities Master Plan)*

*Note: The district's food service program is subject to the food safety standards in the California Retail Food Code (Health and Safety Code 113700-114437). In addition, 42 USC 1758 and 7 CFR 210.13 and 220.7 require all schools participating in the National School Lunch and/or Breakfast Program to implement a food safety program for the storage, preparation, and service of school meals. See the accompanying administrative regulation for requirements of the food safety program.*

In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation process, from receiving to service.

*Note: The following **optional** paragraph may be revised to reflect program evaluation indicators and reporting schedules determined by the district. Education Code 49431 and 49431.2 express legislative intent that the Governing Board annually review the district's compliance with nutrition standards for foods sold outside the National School Lunch or Breakfast Program.*

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

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

*(cf. 0500 - Accountability)*

*(cf. 3555 - Nutrition Program Compliance)*

### **Legal Reference:**

#### **EDUCATION CODE**

35182.5 Contracts, non-nutritious beverages

38080-38103 Cafeteria, establishment and use

45103.5 Contracts for management consulting services; restrictions

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

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act



49540-49546 Child care food program  
49547-49548.3 Comprehensive nutrition services  
49550-49562 Meals for needy students  
49570 National School Lunch Act  
51795-51797 School gardens

#### **HEALTH AND SAFETY CODE**

113700-114437 California Retail Food Code

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

15510 Mandatory meals for needy students  
15530-15535 Nutrition education  
15550-15565 School lunch and breakfast programs  
15575-15578 Requirements for foods and beverages  
outside federal meal programs

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

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

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

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

#### **Management Resources:**

##### **CSBA PUBLICATIONS**

*Building Healthy Communities: A School Leader's Guide to  
Collaboration and Community Engagement, 2009*  
*Nutrition Standards for Schools: Implications for Student  
Wellness, Policy Brief, rev. October 2007*  
*Monitoring for Success: Student Wellness Policy  
Implementation Monitoring Report and Guide, 2007*  
*Student Wellness: A Healthy Food and Physical Activity  
Policy Resource Guide, rev. April 2006*

##### **CALIFORNIA DEPARTMENT OF EDUCATION**

##### **PUBLICATIONS**

*School Meals Initiative Summary*  
*Healthy Children Ready to Learn, January 2005*

##### **CALIFORNIA PROJECT LEAN PUBLICATIONS**

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

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

*School Breakfast Toolkit*  
*Fresh Fruit and Vegetable Program: Handbook for Schools,*

*December 2010*  
*Food Buying Guide for Child Nutrition Programs,*  
*December 2007*  
*Civil Rights Compliance and Enforcement - Nutrition*  
*Programs and Activities, FNS Instruction 113-1,*  
*November 2005*  
*Guidance for School Food Authorities: Developing a School*  
*Food Safety Program Based on the Process Approach to*  
*HACCP Principles, June 2005*  
*Dietary Guidelines for Americans, 2005*

##### **WEB SITES**

CSBA: <http://www.csba.org>  
California Department of Education, Nutrition Services  
Division: <http://www.cde.ca.gov/ls/nu>  
California Department of Public Health:  
<http://www.cdph.ca.gov>  
California Farm Bureau Federation: <http://www.cfbf.com>  
California Food Policy Advocates: <http://www.cfpa.net>  
California Healthy Kids Resource Center:  
<http://www.californiahealthykids.org>  
California Project LEAN (Leaders Encouraging Activity  
and Nutrition): <http://www.californiaprojectlean.org>  
California School Nutrition Association:  
<http://www.calsna.org>  
Centers for Disease Control and Prevention:  
<http://www.cdc.gov>  
National Alliance for Nutrition and Activity:  
<http://www.cspinet.org/nutritionpolicy/nana.html>  
U.S. Department of Agriculture, Food and Nutrition  
Service: <http://www.fns.usda.gov/fns>

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## CSBA Sample

### Administrative Regulation

#### Business and Noninstructional Operations

## AR 3550 FOOD SERVICE/CHILD NUTRITION PROGRAM

*Note: The following optional administrative regulation applies to food sales through the district's food service program, including the National School Lunch Program (42 USC 1751-1769j), School Breakfast Program (42 USC 1773), and Special Milk Program (42 USC 1772). The district should select all sections below that apply to programs offered by the district.*

*See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. For food sales outside the district's food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.*

## Nutrition Standards for School Meals

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

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

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

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

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

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

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

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

*(cf. 3552 - Summer Meal Program)*

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

*(cf. 3554 - Other Food Sales)*

*(cf. 5030 - Student Wellness)*

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

## Drinking Water

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

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

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

## Special Milk Program

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

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

## Food Safety

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

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

*Note: The remainder of this section is for use by any district participating in the National School Lunch and/or Breakfast Program and may be used or revised by other districts at their discretion. 42 USC 1758 requires such districts to implement a food safety program applicable to any facility or part of a facility in which food is stored, prepared, or served. Pursuant to 42 USC 1758 and 7 CFR 210.13 and 220.7, the food safety program must comply with Hazard Analysis and Critical Control Point (HACCP) principles, which include establishing measures needed to prevent hazards at each stage of food production. Pursuant to 7 CFR 210.13, districts may implement either the "traditional" HACCP system or the simplified "process approach." Under the process approach, foods are grouped together according to preparation process and the same control measure is applied to all menu items within the group, rather than developing an HACCP plan for each item. These principles are described in the USDA's **Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles**.*

For all district schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a written food safety program for the storage, preparation, and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) system. The district's HACCP plan shall include, but is not limited to, a determination of critical control points and critical limits at each stage of food production, monitoring procedures, corrective actions, and recordkeeping procedures. (42 USC 1758; 7 CFR 210.13, 220.7)

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

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

*(cf. 4231 - Staff Development)*

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

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

### Inspection of Food Facilities

*Note: Health and Safety Code 113725-113725.3 require all food facilities in California to be inspected by the county environmental health agency in accordance with the timelines and procedures established in county regulations. The inspections cover all food service areas, including cafeterias, vending machines, and mobile food carts. Health and Safety Code 113725 specifies findings that would be considered violations, including (1) improper holding temperatures, improper cooling, or inadequate cooking of potentially hazardous foods (i.e., foods that require temperature control); (2) poor personal hygiene of food service employees; (3) contaminated equipment; and (4) food from unapproved sources.*

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

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

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

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

*(cf. 1340 - Access to District Records)*

*(cf. 3580 - District Records)*

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**CSBA Sample**  
**Board Policy**  
**Business and Noninstructional Operations**

**BP 3552**  
**SUMMER MEAL PROGRAM**

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

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

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

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

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

The district may apply to the CDE to provide meals to children during any extended break in a year-round school schedule. (42 USC 1761; 7 CFR 225.2, 225.6, 225.14)  
*(cf. 6117 - Year-Round Schedules)*

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

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

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

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

The summer meal program may be offered in conjunction with educational enrichment or recreational activities in

order to encourage participation in other wellness and learning opportunities.

(cf. 1020 - Youth Services)

(cf. 1330.1 - Joint Use Agreements)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6177 - Summer School)

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

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

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

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

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

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

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

#### **Legal References:**

##### **EDUCATION CODE**

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

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act

49547-49548.3 Comprehensive nutrition services

49550-49562 Meals for needy students

49570 National School Lunch Act

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

15510 Mandatory meals for needy students

15550-15565 School lunch and breakfast programs

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

1751-1769i School lunch programs, including:

1751 Note Local wellness policy

1761 Summer Food Service Program and Seamless Summer Feeding Option

1771-1792 Child nutrition, especially:

1773 School breakfast program

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

210.1-210.31 National School Lunch Program

220.1-220.22 National School Breakfast Program

225.1-225.20 Summer Food Service Program

#### **Management Resources:**

##### **CSBA PUBLICATIONS**

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

*Monitoring for Success: Student Wellness Policy*

*Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity*

*Policy Resource Guide, rev. April 2006*

##### **CALIFORNIA DEPARTMENT OF EDUCATION**

##### **MANAGEMENT BULLETINS**

*USDA-SFSP-06-2008 Summer Food Service Program*

*Outreach Requirement Clarification, October 2008*

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

*The Summer Food Service Program: Food That's In When School is Out, 2010, Nutrition Guidance for Sponsors, rev. March 2010*

*The Summer Food Service Program: Food That's In When School is Out, 2010 Site Supervisor's Guide, rev. January 2010*

*The Summer Food Service Program: Food That's In When School is Out, 2010 Monitor's Guide, rev. January 2010*

*The Summer Food Service Program: Food That's In When School is Out, 2010 Administrative Guidance for Sponsors, rev. December 2009*

*National School Lunch Program's Seamless Summer Option Questions and Answers, 2009*

##### **WEB SITES**

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

California Center for Research on Women and Families, Summer Meal Program Coalition: <http://www.ccrwf.org>

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

California Food Policy Advocates: <http://www.cfpa.net>

California School Nutrition Association:

<http://www.calsna.org>

*Child Nutrition Information and Payment System:*

<https://www.cnips.ca.gov>

*U.S. Department of Agriculture, Food and Nutrition*

*Service: <http://www.fns.usda.gov>*

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## CSBA Sample

### Administrative Regulation

#### Business and Noninstructional Operations

## AR 3552

### SUMMER MEAL PROGRAM

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

#### Site Selection

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

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

1. **Open Site:** The site provides meals to all children in the area and is located at a school or nonschool site within the geographical boundaries of a school attendance area where at least 50 percent of the children are eligible for free or reduced-price meals.

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

2. **Restricted Open Site:** The site initially meets the criteria of an “open site,” but the district must restrict or limit participation on a first-come, first-served basis due to security, safety, or control concerns.

3. **Closed Enrolled Site:** The site is open only to enrolled children, as opposed to the community at large, and at least 50 percent of the enrolled children at the site are eligible for free or reduced price school meals, as determined by approval of applications in accordance with 7 CFR 225.15(f).

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

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

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 6177 - Summer School)*

#### Meal Service

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

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

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

*(cf. 5030 - Student Wellness)*

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

1. Children age 18 or younger
2. Persons over age 18 who meet the CDE’s definition of having a physical or mental disability and who are

participating in a public or nonprofit private school program established for individuals with a disability  
(cf. 6164.4 - Identification of Individuals for Special Education)

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

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

### **Additional Requirements for Seamless Summer Feeding Option**

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

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

(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

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

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

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

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

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

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

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

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

### **Additional Requirements for Summer Food Service Program**

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

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

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

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

*(cf. 1112 - Media Relations)*

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

In addition, the district and each open site shall:

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

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

*(cf. 1100 - Communication with the Public)*

*(cf. 1113 - District and School Web Sites)*

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

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

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

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

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

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

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

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

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

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

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

*(cf. 3580 - District Records)*

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## CSBA Sample

### Board Policy

#### Business and Noninstructional Operations

## BP 3553

### FREE AND REDUCED PRICE MEALS

*Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to needy students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. Pursuant to 42 USC 1758 and 1773, districts that participate in the National School Lunch and/or Breakfast Program may receive reimbursement for free and reduced-price meals at a higher rate than that provided for meals for noneligible students. In addition, state funding may be available through the State Meal Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for available state and federal funds.*

*The requirement to provide at least one nutritionally adequate meal to needy students applies during summer school sessions unless the district receives a waiver from the State Board of Education under the conditions described in Education Code 49548. Funding to support the provision of summer school meals is available through the Seamless Summer Feeding Option and/or Summer Food Service Program (Education Code 49547.5; 42 USC 1761); see BP/AR 3552 - Summer Meal Program.*

The Governing Board recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

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

*(cf. 3552 - Summer Meal Program)*

*(cf. 5030 - Student Wellness)*

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

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6177 - Summer School)*

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

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

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meals program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

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

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

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

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

The Board shall approve, and shall submit to the California Department of Education for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

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

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

#### **Confidentiality/Release of Records**

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

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

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

*Note: Education Code 49558 authorizes the Governing Board to allow district employees to use the name and eligibility status of students participating in the free and reduced-price meals program for the purpose of disaggregation of academic achievement data. However, in accordance with federal guidelines, free and reduced-price meal records may be shared for this purpose only in connection with either a federal Title I program (20 USC 6301-6514) or the National Assessment of Educational Progress. Education Code 49558 allows districts with schools in program improvement, pursuant to 20 USC 6316, to use this information to identify students eligible for school choice and supplemental educational services; see BP/AR 0520.2 - Title I Program Improvement Schools. Only the name and meal eligibility status of a student may be shared for this purpose. Information regarding a student's participation in the program (e.g., household size and income, the record of meals served to that student) is confidential.*

*Districts wishing to use free and reduced-price meal records for these purposes are mandated to adopt a policy authorizing employee access. See the accompanying administrative regulation for additional requirements applicable to districts that authorize such access.*

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

1. Disaggregation of academic achievement data
2. In any school identified as a Title I program improvement school pursuant to 20 USC 6316,

identification of students eligible for school choice and supplemental educational services

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 5125 - Student Records)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6171 - Title I Programs)

*Note: Pursuant to Education Code 49558, a district may release information on the National School Lunch Program application, under the conditions described below, to the local agency that determines eligibility under the Medi-Cal program.*

The Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information in accordance with Education Code 49557.2.

(cf. 5141.6 - School Health Services)

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

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

**Legal Reference:**

**EDUCATION CODE**

- 48980 Notice at beginning of term
- 49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
- 49490-49494 School breakfast and lunch programs
- 49500-49505 School meals
- 49510-49520 Nutrition
- 49530-49536 Child Nutrition Act of 1974
- 49547-49548.3 Comprehensive nutrition service
- 49550-49562 Meals for needy students

**CODE OF REGULATIONS, TITLE 5**

- 15510 Mandatory meals for needy students
- 15530-15535 Nutrition education
- 15550-15565 School lunch and breakfast programs

**UNITED STATES CODE, TITLE 20**

- 1232g Federal Educational Rights and Privacy Act
- 6301-6514 Title I programs

**UNITED STATES CODE, TITLE 42**

- 1751-1769j School lunch program
- 1771-1791 Child nutrition, especially:
- 1773 School breakfast program

**CODE OF FEDERAL REGULATIONS, TITLE 7**

- 210.1-210.31 National School Lunch Program
- 220.10-220.21 National School Breakfast Program
- 245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

**Management Resources:**

**CSBA PUBLICATIONS**

- Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
- Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

**CALIFORNIA DEPARTMENT OF EDUCATION**

**MANAGEMENT BULLETINS**

- USDA-SNP-07-2010 Change in Free and Reduced-Price Meal Application Approval Process, September 2010
- NSD-SNP-12-2010 Clarification Regarding the Ability to Share Student Meal Program Eligibility Information Between School Food Authorities, April 2010
- 04-103 Implementation of Final Rule on Verification of Applications for Free and Reduced-Price Meals, August 2004
- 98-101 Confidentiality of Free and Reduced-Price Eligibility Information, February 1998

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

- Feed More Kids, Improve Program Participation Direct Certification Implementation Checklist, May 2008

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

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

**WEB SITES**

- CSBA: <http://www.csba.org>
- California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>
- California Healthy Kids Resource Center: <http://www.californiahealthykids.org>
- California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>
- U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

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## CSBA Sample

### Administrative Regulation

#### Business and Noninstructional Operations

## AR 3553

### FREE AND REDUCED PRICE MEALS

*Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to needy students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. The following administrative regulation is for use by all districts, regardless of whether they receive reimbursement for free and reduced-price meals through the National School Lunch and/or Breakfast Program (42 USC 1758, 1773) and/or the State Meal Program (Education Code 49490-49494).*

#### Applications

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

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

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

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

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

*(cf. 3552 - Summer Meal Program)*

*(cf. 5145.6 - Parental Notifications)*

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

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

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

*(cf. 1112 - Media Relations)*

#### Eligibility

*Note: Districts are responsible for determining students' eligibility for free and reduced-price meals in accordance with criteria established by the CDE consistent with 42 USC 1758 and 1773 and 7 CFR 245.3. Family income levels that qualify for free or reduced-price meals, by household size, are annually posted on the CDE's web site.*

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

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meals program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.



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

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

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

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

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

*(cf. 6175 - Migrant Education Program)*

### **Verification of Eligibility**

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

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

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

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

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

## Confidentiality/Release of Records

*Note: The following section is for use by districts that have adopted a policy, pursuant to Education Code 49558, allowing district employees to use individual records of students eligible for the free and reduced-price meals program for the purpose of disaggregation of academic achievement data and for the identification of students eligible for public school choice and supplemental educational services in schools identified for program improvement pursuant to 20 USC 6316. See the accompanying Board policy and BP/AR 0520.2 - Title I Program Improvement Schools.*

*In Management Bulletin 98-101, the CDE advises that the Governing Board must designate by name or job title the employee(s) authorized to use records for these purposes. Districts should identify the specific title(s) of the designated employee(s) in the space provided below, such as Title I Coordinator.*

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

(title or position)

In using the records for such purposes, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meals program shall be maintained in the permanent records of any student if not otherwise allowed by law.

*(cf. 5125 - Student Records)*

2. Information regarding individual student participation in the free and reduced-price meals program shall not be publicly released.

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

3. All other confidentiality provisions required by law shall be met.

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

## Nondiscrimination Plan

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

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

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

*(cf. 3555 - Nutrition Program Compliance)*

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

## Prices

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

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

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## CSBA Sample

### Board Policy

#### Business and Noninstructional Operations

## BP 3554

### OTHER FOOD SALES

*Note: The following policy addresses food and beverage sales outside of the district's food service/cafeteria program, including the use of vending machines and student stores as well as food sales on school premises by student and/or adult organizations. For policy addressing sales by the food service/cafeteria program, see BP/AR 3550 - Food Service/Child Nutrition Program.*

*All outside food sales are subject to state law regarding nutritional standards, time and location of the sale, and other conditions; see the accompanying administrative regulation. In addition, pursuant to 7 CFR 210.11 and 220.12, districts participating in the National School Lunch Program (42 USC 1751-1769) and/or School Breakfast Program (42 USC 1771-1791) are **mandated** to establish rules or regulations to control the sale of food in competition with the breakfast or lunch program. The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note) also mandates each district participating in the National School Lunch and/or Breakfast Program to adopt a districtwide student wellness policy. See BP 5030 - Student Wellness for language fulfilling the student wellness mandate.*

The Governing Board believes that sales of foods and beverages at school during the school day should be aligned with the district's goals to promote student wellness. Any food sales conducted outside the district's food service program shall meet nutritional standards specified in law, Board policy, and administrative regulation and shall not reduce student participation in the district's food service program.

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

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

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

*(cf. 5030 - Student Wellness)*

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

The Board authorizes the Superintendent or designee to approve the sale of foods and beverages outside the district's food service program, including sales by student or school-connected organizations, sales through vending machines, and/or sales at secondary school student stores

for fundraising purposes.

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

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

When vending machines are sponsored by the district or a student or adult organization, the Superintendent or designee shall determine how and where vending machines may be placed at school sites, district offices, or other school facilities.

*(cf. 3312 - Contracts)*

#### **Legal Reference:**

##### EDUCATION CODE

35182.5 Contracts, non-nutritious beverages

48931 Authorization and sale of food

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

51520 School premises; prohibited solicitations

##### CODE OF REGULATIONS, TITLE 5

15500 Food sales in elementary schools

15501 Sales in high schools and junior high schools

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

##### HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

##### UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Act, including:

1751 Note Local wellness policy

1771-1791 Child nutrition, School Breakfast Program

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

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

#### **Management Resources:**

##### CSBA PUBLICATIONS

*Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007*

*Monitoring for Success: Student Wellness Policy*

*Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

##### CALIFORNIA DEPARTMENT OF EDUCATION

##### MANAGEMENT BULLETINS

*06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006*

##### FISCAL CRISIS AND MANAGEMENT ASSISTANCE

##### TEAM PUBLICATIONS

*Associated Student Body Accounting Manual and Desk Reference, 2002*

**NATIONAL ASSOCIATION OF STATE BOARDS OF  
EDUCATION PUBLICATIONS**

*Fit, Healthy and Ready to Learn, 2000*

**WEB SITES**

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

California Department of Education, Nutrition Services

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

California Department of Public Health:

<http://www.cdph.ca.gov>

California Healthy Kids Resource Center:

<http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity  
and Nutrition): <http://www.californiaprojectlean.org>

Centers for Disease Control and Prevention:

<http://www.cdc.gov>

Fiscal Crisis and Management Assistance Team:

<http://www.fcmat.org>

National Association of State Boards of Education

(NASBE): <http://www.nasbe.org>

U.S. Dept. of Agriculture, Food and Nutrition Information

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

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## CSBA Sample

### Administrative Regulation

#### Business and Noninstructional Operations

## AR 3554

### OTHER FOOD SALES

#### Nutritional Standards for Foods and Beverages

*Note: Effective July 1, 2007, food sales outside the district's food service program are subject to the nutritional standards specified in Education Code 49431 for elementary schools and 49431.2 for middle, junior high, and high schools. Beginning July 1, 2009, pursuant to Education Code 49431.7, schools maintaining any of grades K-12 are prohibited from selling foods containing artificial trans fat through vending machines during school hours and up to one-half hour before and after school hours. Nutritional standards for beverages sold to students are contained in Education Code 49431.5. For high schools, the beverage standards will be phased in between July 1, 2007 and July 1, 2009. Clarification and definitions of the food and beverage standards are provided in 5 CCR 15575-15578, added by Register 2008, No. 32. See AR 3550 - Food Service/Child Nutrition Program for further information regarding these standards.*

Food and beverage sales outside the district's food service program shall comply with applicable nutritional standards specified in Education Code 49431, 49431.2, 49431.5, and 49431.7 and 5 CCR 15575-15578.

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

*(cf. 5030 - Student Wellness)*

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

*Note: Items #1-2 below are for use by districts maintaining elementary schools.*

At an elementary school, the sale of foods or beverages that do not comply with the standards in Education Code 49431 and 49431.5 may be permitted, as part of a fundraising event, only when the items are sold by students of the school and the sale meets either of the following conditions: (Education Code 49431, 49431.5)

1. It takes place off and away from school premises.
2. It takes place at least one-half hour after the end of the school day.

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

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

*Note: The remainder of this section is for use by districts maintaining middle, junior high, and/or high schools and should be revised as necessary to reflect the type(s) of schools in the district.*

At a middle, junior high, or high school, the sale of food items that do not comply with the standards in Education Code 49431.2 may be permitted in any of the following circumstances: (Education Code 49431.2)

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

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

Beverage sales that do not comply with the standards in Education Code 49431.5 may be permitted at a middle or junior high school as part of a school event under either of the following circumstances: (Education Code 49431.5)

1. The sale occurs during a school-sponsored event and takes place at the location of the event at least one-half hour after the end of the school day.
2. Vending machines, student stores, and cafeterias are used later than one-half hour after the end of the school day.

#### **Additional Requirements for Schools Participating in the National School Lunch or Breakfast Program**

*Note: In addition to the requirements in the previous section, schools participating in the National School Lunch and/or Breakfast Program pursuant to 42 USC 1757 or 1773 are subject to the requirements described below. This section may be adapted for use by districts not participating in the federal meal programs at their discretion.*

The sale of foods outside of the district's food service program during meal periods in food service areas shall be allowed only if all income from the sale, including the sale of approved foods or drinks from vending machines, accrues to the benefit of the school, the school food service program, or the student organization(s) sponsoring the sale. (7 CFR 210.11, 220.12)

*Note: 7 CFR 210.11 and 7 CFR 220.12 **mandate** that district rules and regulations prohibit the sale of foods of minimal nutritional value, as listed in Appendix B of 7 CFR 210 or Appendix B of 7 CFR 220, in food service areas during breakfast and lunch periods.*

No foods of minimal nutritional value, as listed in 7 CFR 210, Appendix B, and 7 CFR 220, Appendix B, shall be sold in food service areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)

*Note: The remainder of this section reflects 5 CCR 15500-15501 pertaining to sales by student organizations. The California Department of Education advises that, in any case where these Title 5 provisions conflict with state or federal law, the stricter language would apply. For example, 5 CCR 15500 states that a student organization may only sell a dessert-type item, such as a pastry, ice cream, or fruit. To the extent that this requirement conflicts with the nutritional standards specified in Education Code 94931 or 49431.2, the Education Code provisions would supersede the Title 5 regulations. Items #1-7 below are for use by districts that maintain any of grades K-8.*

In a school with any of grades K-8 that is participating in the National School Lunch and/or Breakfast Program, the Superintendent or designee shall not permit the sale of foods by a student organization except when all of the following conditions are met: (5 CCR 15500)

1. The student organization shall sell only one food item per sale.
2. The specific nutritious food item is approved by the Superintendent or designee.
3. The sale does not begin until after the close of the regularly scheduled midday food service period.
4. The sale during the regular school day is not of food items prepared on the premises.
5. There are no more than four such sales per year per school.
6. The food sold is a dessert-type food, such as pastry, ice cream, or fruit.
7. The food sold is not one sold in the district's food service program at that school during that school day.

*Note: Items #1-4 below are for use by districts that maintain junior high or high schools.*

In junior high and high schools, a student organization may be approved to sell food items during or after the school day if all of the following conditions are met: (5 CCR 15501)

1. Only one student organization conducts a food sale on a given school day and the organization sells no more than three types of food or beverage items, except that up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items.
2. The specific nutritious food items are approved by the Superintendent or designee.
3. Food items sold during the regular school day are not prepared on the premises.
4. The food items sold are not those sold in the district's food service program at that school during that school day.

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

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## CSBA Sample

### Board Policy

#### Business and Noninstructional Operations

## BP 3555

### NUTRITION PROGRAM COMPLIANCE

Note: The following policy is **mandated** for any district that receives federal financial assistance for its participation in the National School Lunch Program, School Breakfast Program, Special Milk Program, or other child nutrition programs.

Districts that do not receive any such financial assistance may delete this policy.

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

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

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

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

## Coordinator

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

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

(cf. 1312.3 - Uniform Complaint Procedures)

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

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

(cf. 5022 - Students and Family Privacy Rights)

(cf. 5125 - Student Records)

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

(cf. 6174 - English Language Learners)

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

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

*(cf. 6159 - Individualized Education Program)*

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

### **Notifications**

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

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

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

*(cf. 5145.6 - Parental Notifications)*

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

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

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

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

USDA is an equal opportunity provider and employer."

However, if the document is no more than one page and there is no room to print the full nondiscrimination statement, the district may instead use the statement "This

institution is an equal opportunity provider" in the same print size as the rest of the text.

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

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

### **Legal Reference:**

#### **EDUCATION CODE**

*200-262.4 Prohibition of discrimination*

*48985 Notices to parents in language other than English*

*49060-49079 Student records*

*49490-49590 Child nutrition programs*

#### **PENAL CODE**

*422.55 Definition of hate crime*

*422.6 Interference with constitutional right or privilege*

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

*3080 Application of section*

*4600-4687 Uniform complaint procedures*

*4900-4965 Nondiscrimination in elementary and secondary education programs*

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

*1400-1482 Individuals with Disabilities in Education Act*

*1681-1688 Discrimination based on sex or blindness, Title IX*

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

*794 Section 504 of the Rehabilitation Act of 1973*

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

*2000d-2000d-7 Title VI, Civil Rights Act of 1964*

*2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended*

*2000h-2000h-6 Title IX*

*12101-12213 Americans with Disabilities Act*

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

*35.101-35.190 Americans with Disabilities Act*



36.303 Auxiliary aids and services

**CODE OF FEDERAL REGULATIONS, TITLE 34**

100.1-100.13 Nondiscrimination in federal programs,  
effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act  
of 1973

106.1-106.61 Discrimination on the basis of sex,  
effectuating Title IX, especially:

106.9 Dissemination of policy

**Management Resources:**

**CALIFORNIA DEPARTMENT OF EDUCATION,**

**NUTRITION SERVICES DIVISION PUBLICATIONS**

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

**U.S. DEPARTMENT OF AGRICULTURE, FOOD AND**

**NUTRITION SERVICE PUBLICATIONS**

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

**U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL**

**RIGHTS PUBLICATIONS**

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

*Notice of Non-Discrimination, January 1999*

**WEB SITES**

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

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

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

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

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**CSBA Sample  
Board Policy  
Students**

**BP 5030  
STUDENT WELLNESS**

*Note: The Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) repealed 42 USC 1751 Note and added 42 USC 1758b which **mandates** each district participating in the National School Lunch Program (42 USC 1751-1769) or any program in the Child Nutrition Act of 1966 (42 USC 1771-1791), including the School Breakfast Program, to adopt a districtwide school wellness policy. The following policy fulfills this mandate and should be revised to reflect district practice. Other policies in the district's policy manual will likely contain additional provisions supporting this wellness policy, such as BP 3312 - Contracts, BP/AR 3550 - Food Service/Child Nutrition Program, BP/AR 3553 - Free and Reduced Price Meals, BP/AR 3554 - Other Food Sales, BP/AR 6142.7 - Physical Education and Activity, and BP/AR 6142.8 - Comprehensive Health Education.*

*Although the district has discretion under 42 USC 1758b to determine specific policies appropriate for its schools, the U.S. Department of Agriculture (USDA) is required to develop regulations that provide a framework and guidelines to assist districts in establishing their student wellness policies and to provide technical assistance through the Centers for Disease Control and Prevention (CDC). Currently the USDA and CDC provide resources and implementation tools on their web sites. In addition, CSBA's **Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide** summarizes research on the relationship between nutrition and physical activity and student achievement, provides worksheets for policy development, and contains other resources that may be useful in the development of the wellness policy.*

*The following paragraph links student wellness with the components of a coordinated school health approach recommended in the California Department of Education's (CDE) **Health Framework for California Public Schools** and may be revised to reflect district practice.*

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education and activity, health services,

nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

- (cf. 3513.3 - Tobacco-Free Schools)*
- (cf. 3514 - Environmental Safety)*
- (cf. 3555 - Nutrition Program Compliance)*
- (cf. 5131.6 - Alcohol and Other Drugs)*
- (cf. 5131.61 - Drug Testing)*
- (cf. 5131.62 - Tobacco)*
- (cf. 5131.63 - Steroids)*
- (cf. 5141 - Health Care and Emergencies)*
- (cf. 5141.22 - Infectious Diseases)*
- (cf. 5141.3 - Health Examinations)*
- (cf. 5141.31 - Immunizations)*
- (cf. 5141.32 - Health Screening for School Entry)*
- (cf. 5141.6 - School Health Services)*
- (cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)*
- (cf. 6164.2 - Guidance/Counseling Services)*

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

- (cf. 1100 - Communication with the Public)*
- (cf. 1112 - Media Relations)*
- (cf. 1113 - District and School Web Sites)*
- (cf. 1114 - District-Sponsored Social Media)*
- (cf. 6020 - Parent Involvement)*

## School Health Council/Committee

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

*One method to achieve continuing involvement of those groups and other key stakeholders could be through the creation of a school health council, as recommended in the CDE's **Health Framework for California Public Schools**. Pursuant to Government Code 54952, committees created by formal action of the Board are subject to open meeting laws (the Brown Act); see AR 1220 - Citizen Advisory Committees.*

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

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

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

*(cf. 1220 - Citizen Advisory Committees)  
(cf. 9140 - Board Representatives)*

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

## Nutrition and Physical Activity Goals

*Note: 42 USC 1758b, as added by P.L. 111-296, **mandates** that the district's wellness policy include goals for nutrition education and physical activity, as specified below.*

The Board shall adopt goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. (42 USC 1758b)

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.*

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

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program. Nutrition education also may be offered through before- and after-school programs.

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6142.8 - Comprehensive Health Education)*

The Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free give-aways, or other means.

*(cf. 1325 - Advertising and Promotion)*

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

*(cf. 5142.2 - Safe Routes to School Program)*  
*(cf. 6142.7 - Physical Education and Activity)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 6145.2 - Athletic Competition)*

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

*(cf. 1330.1 - Joint Use Agreements)*

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness and may provide opportunities for regular physical activity among employees. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

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

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

*Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.*

The Board believes that foods and beverages available to students at district schools should support the health curriculum and promote optimal health, taking into consideration the needs of students with special dietary needs. Nutritional standards adopted by the district for

all foods and beverages sold to students, including foods and beverages provided through the district's food service program, student stores, vending machines, or other venues, shall meet or exceed state and federal nutritional standards.

*(cf. 3312 - Contracts)*

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

*(cf. 3554 - Other Food Sales)*

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

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

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

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

*(cf. 3552 - Summer Meal Program)*

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

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

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

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

### **Program Implementation and Evaluation**

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

*(cf. 0500 - Accountability)*

*(cf. 3555 - Nutrition Program Compliance)*

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

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

*Note: Items #1-9 below are **optional** and should be revised to reflect district practice. CSBA's publication **Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide** provides additional suggestions for fulfilling the Board's monitoring responsibility, including possible data sources.*

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

1. Descriptions of the district's nutrition education, physical education, and health education curricula by grade level
2. Number of minutes of physical education instruction offered at each grade span
3. Number and type of exemptions granted from physical education
4. Results of the state's physical fitness test
5. An analysis of the nutritional content of meals served based on a sample of menus
6. Student participation rates in school meal programs, compared to percentage of students eligible for free and reduced-price meals
7. Number of sales of non-nutritious foods and beverages in fundraisers or other venues outside of the district's meal programs

8. Feedback from food service personnel, school administrators, the school health council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons
9. Any other indicators recommended by the Superintendent and approved by the Board

### **Posting Requirements**

Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

*Note: Education Code 49432 authorizes, but does not require, schools to post a summary of nutrition and physical activity laws and regulations. The following paragraph is **optional**.*

Each school shall also post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

### **Legal Reference:**

#### **EDUCATION CODE**

33350-33354 CDE responsibilities re: physical education  
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001  
49490-49494 School breakfast and lunch programs  
49500-49505 School meals  
49510-49520 Nutrition  
49530-49536 Child Nutrition Act  
49540-49546 Child care food program  
49547-49548.3 Comprehensive nutrition services  
49550-49561 Meals for needy students  
49565-49565.8 California Fresh Start pilot program  
49570 National School Lunch Act  
51210 Course of study, grades 1-6  
51220 Course of study, grades 7-12  
51222 Physical education  
51223 Physical education, elementary schools  
51795-51796.5 School instructional gardens  
51880-51921 Comprehensive health education

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

15500-15501 Food sales by student organizations  
15510 Mandatory meals for needy students  
15530-15535 Nutrition education  
15550-15565 School lunch and breakfast programs

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

1751-1769 National School Lunch Program, especially:

1758b Local wellness policy  
1771-1791 Child Nutrition Act, including:  
1773 School Breakfast Program  
1779 Rules and regulations, Child Nutrition Act

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

210.1-210.31 National School Lunch Program  
220.1-220.21 National School Breakfast Program

#### **COURT DECISIONS**

*Frazer v. Dixon Unified School District*, (1993) 18 Cal. App.4th 781

#### **Management Resources:**

##### **CSBA PUBLICATIONS**

*Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement*, 2009  
*Safe Routes to School: Program and Policy Strategies for School Districts*, Policy Brief, 2009  
*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide*, 2007  
*Nutrition Standards for Schools: Implications for Student Wellness*, Policy Brief, rev. October 2007  
*Physical Education and California Schools*, Policy Brief, rev. October 2007  
*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide*, rev. April 2006  
*School-Based Marketing of Foods and Beverages: Policy Implications for School Boards*, Policy Brief, March 2006

##### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

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

##### **CALIFORNIA PROJECT LEAN PUBLICATIONS**

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

##### **CENTER FOR COLLABORATIVE SOLUTIONS**

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

##### **CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS**

*School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide*, 2005

##### **NATIONAL ASSOCIATION OF STATE BOARDS OF**

##### **EDUCATION PUBLICATIONS**

*Fit, Healthy and Ready to Learn*, 2000

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

*Dietary Guidelines for Americans*, 2005  
*Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action*, 2000

##### **WEB SITES**

CSBA: <http://www.csba.org>  
Action for Healthy Kids:  
<http://www.actionforhealthykids.org>  
California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>  
California Department of Public Health:  
<http://www.cdph.ca.gov>  
California Healthy Kids Resource Center:  
<http://www.californiahealthykids.org>  
California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>  
California School Nutrition Association:  
<http://www.calsna.org>  
Center for Collaborative Solutions:  
<http://www.ccscenter.org>  
Centers for Disease Control and Prevention:  
<http://www.cdc.gov>  
Dairy Council of California:  
<http://www.dairycouncilofca.org>  
National Alliance for Nutrition and Activity:  
<http://www.cspinet.org/nutritionpolicy/nana.html>  
National Association of State Boards of Education:  
<http://www.nasbe.org>  
National School Boards Association: <http://www.nsba.org>  
School Nutrition Association:  
<http://www.schoolnutrition.org>  
Society for Nutrition Education: <http://www.sne.org>  
U.S. Department of Agriculture, Food Nutrition Service, wellness policy: <http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>

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**CSBA Sample  
Board Policy  
Students**

**BP 5142.2  
SAFE ROUTES TO SCHOOL PROGRAM**

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

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

*Strategies to promote walking, bicycling, and other forms of active transport to school may be referenced in the district's school wellness policy, adopted pursuant to the federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note), which is required to include goals for physical activity; see BP 5030 - Student Wellness. Strategies may also be included in the district's comprehensive safety plan adopted pursuant to Education Code 32282; see AR 0450 - Comprehensive Safety Plan.*

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

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

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

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

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

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

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

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

*(cf. 1260 - Educational Foundation)  
(cf. 3100 - Budget)  
(cf. 3290 - Gifts, Grants and Bequests)  
(cf. 7110 - Facilities Master Plan)*

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

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

(cf. 0500 - Accountability)

#### **Legal Reference:**

##### **EDUCATION CODE**

32283 Comprehensive safety plan

45450-45451 Crossing guards

##### **GOVERNMENT CODE**

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

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

2333.5 Safe routes to schools construction program

##### **VEHICLE CODE**

21200-21212 Operation of bicycles, especially:

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

21949-21971 Pedestrian rights and duties

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

148 Highway safety improvement program

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

1751 Note Local wellness policy

#### **Management Resources:**

##### **CSBA PUBLICATIONS**

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

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

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

*Safe Routes to School Guide*

##### **NATIONAL HIGHWAY TRAFFIC SAFETY**

##### **ADMINISTRATION PUBLICATIONS**

*Safe Routes to School Toolkit, 2002*

##### **SAFE ROUTES TO SCHOOL NATIONAL PARTNERSHIP PUBLICATIONS**

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

##### **WEB SITES**

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

California Center for Physical Activity:

<http://www.caphysicalactivity.org>

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

National Center for Safe Routes to School:

<http://www.saferoutesinfo.org>

National Highway Traffic Safety Administration:

<http://www.nhtsa.gov>

Safe Routes to School National Partnership:

<http://www.saferoutespartnership.org>

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

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

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## CSBA Sample

### Administrative Regulation

#### Students

## AR 5142.2

### SAFE ROUTES TO SCHOOL PROGRAM

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

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

1. Education activities that promote safety and awareness, such as:
  - a. Instructing students about pedestrian, bicycle, and personal safety
  - b. Instructing students about the health and environmental benefits of walking, bicycling, and other forms of active transport to school

*(cf. 3510 - Green School Operations)*

*(cf. 5030 - Student Wellness)*

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

*(cf. 6142.8 - Comprehensive Health Education)*

- c. Offering driver safety education to high school students, parents/guardians, and the community
  2. Encouragement strategies designed to generate interest in active transport to school, such as:
    - a. Organizing or facilitating “walking school buses” and/or “bicycle trains” whereby students walk or bike to school in groups escorted by parents/guardians or other volunteers as needed
    - b. Organizing special events and activities, such as Walk or Bike to School Day, International Walk to School Month, or year-round competitions
    - c. Publicizing the district’s efforts in order to build support of parents/guardians and the community, including providing information about the district’s safe routes to school program

in parent/guardian communications and in any notifications about transportation options

*(cf. 1112 - Media Relations)*

*(cf. 3540 - Transportation)*

*(cf. 3541 - Transportation Routes and Services)*

3. Enforcement strategies to deter unsafe behaviors of drivers, pedestrians, and bicyclists, such as:
        - a. Initiating or expanding crossing guard, student safety patrol, and/or parent/guardian safety patrol programs
    - (cf. 5142 - Safety)*
      - b. Partnering with local law enforcement to help ensure that traffic laws are obeyed in the vicinity of schools and to implement appropriate measures such as placement of speed feedback monitors, ticketing, and/or driver safety campaigns
      - c. Monitoring to ensure that students who bicycle to school or who use skateboards, skates, or nonmotorized scooters wear helmets in accordance with Vehicle Code 21212
  4. Engineering strategies that address the design, implementation, operation, and maintenance of traffic control devices or physical measures, such as:
    - a. Working with local government agencies, parents/guardians, school staff, and others as appropriate to gather data about environmental conditions and hazards along routes to school

*(cf. 1020 - Youth Services)*

*(cf. 1220 - Citizen Advisory Committees)*

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

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

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

*(cf. 6020 - Parent Involvement)*

- b. Working with local government agencies to make operational and physical improvements that reduce or eliminate hazards, such as reducing motor vehicle traffic speeds in the area and establishing safer and fully accessible crosswalks, walkways, trails, and bikeways
          - c. Assessing the adequacy, accessibility, and safety of bicycle parking at schools and making modifications as needed, such as increasing the number of or relocating bicycle racks and/or equipment storage areas

*(cf. 7111 - Evaluating Existing Buildings)*

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

*(cf. 7110 - Facilities Master Plan)*

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

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

5. Evaluation to assess progress toward program goals, including:
  - a. Gathering and interpreting data based on indicators established by the Superintendent or designee and the Governing Board
  - b. Presenting data to the Board, program partners, and the public
  - c. Recommending program modifications as needed

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**CSBA Sample  
Board Policy  
Instruction**

**BP 6142.7  
PHYSICAL EDUCATION AND ACTIVITY**

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

*The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note) mandates each district participating in federal meals programs to adopt a districtwide student wellness policy, including goals for physical activity. See BP 5030 - Student Wellness for language fulfilling this mandate. The following policy also may incorporate goals for physical activity.*

*Education Code 33352 requires the CDE, as part of the Categorical Program Monitoring (CPM) process, to monitor districts’ compliance with specified state physical education requirements which are reflected in the following policy and the accompanying administrative regulation.*

The Governing Board recognizes the positive benefits of physical activity on student health and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district’s physical education and activity programs shall support the district’s coordinated student wellness program and encourage students’ lifelong fitness.

*(cf. 5030 - Student Wellness)  
(cf. 6142.8 - Comprehensive Health Education)*

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

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

*(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 6011 - Academic Standards)  
(cf. 6143 - Courses of Study)*

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

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

The overall course of study for grades 9-12 shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

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

*(cf. 6146.1 - High School Graduation Requirements)  
(cf. 6146.11 - Alternative Credits Toward Graduation)*

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

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

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

*(cf. 6159 - Individualized Education Program)*

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

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

*(cf. 3514 - Environmental Safety)*

*(cf. 5141.7 - Sun Safety)*

### **Staffing**

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

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4112.2 - Certification)*

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

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep

students engaged and active and to enhance the quality of physical education instruction and assessment.

*(cf. 4131 - Staff Development)*

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

### **Physical Fitness Testing**

*Note: The following section may be revised to reflect grade levels offered by the district. Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The SBE has designated FITNESSGRAM as the required physical fitness test. See the accompanying administrative regulation for testing requirements.*

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

### **Temporary Exemptions**

*Note: The following section is **optional**. Education Code 51241 authorizes, but does not require, the district to grant temporary exemptions from physical education under the conditions described in items #1-2 below.*

The Superintendent or designee may grant a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

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

### **Two-Year Exemptions**

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

*Pursuant to Education Code 51241, in order to be eligible for the two-year exemption, students are required to "satisfactorily" meet at least five of the six standards of the state's physical fitness test in grade 9. Students are considered to have satisfactorily met a standard on the FITNESSGRAM if they score in the "healthy fitness zone" on that standard. The six fitness areas measured by FITNESSGRAM are aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, upper body strength and endurance, and flexibility.*

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the state's physical fitness test in grade 9. (Education Code 51241)

*Note: In addition to administering the physical fitness test to students in grade 9, Education Code 51241 authorizes districts to administer the test to students in grades 10-12 so that such students may qualify for the two-year exemption. The following paragraph is **optional**.*

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the physical fitness test to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

### Permanent Exemptions

*Note: The following section is **optional**. Education Code 51241 authorizes, but does not require, the district to grant permanent exemptions from physical education to an individual student under the conditions described in items #1-3 below.*

**The Board should delete any categories of exemptions that it does not wish to allow.**

The Superintendent or designee may grant a permanent exemption from physical education to an individual student under any of the following conditions: (Education Code 51241)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

### Other Exemptions

*Note: The following **optional** section is for use by districts that maintain high schools. Education Code 51222, 51242, and 52316 authorize, but do not require, the following exemptions from physical education courses. **The Board should select the items that reflect the types of exemptions that it wishes to allow.***

The Superintendent or designee may grant an exemption from physical education under the following special circumstances:

1. The student in grades 10-12 is excused for up to 24 clock hours in order to participate in automobile driver training. (Education Code 51222)
2. The student in grades 10-12 attends a regional occupational center or program and attendance in physical education courses results in hardship because of the travel time involved. (Education Code 52316)
3. The student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

*(cf. 6145.2 - Athletic Competition)*

### Additional Opportunities for Physical Activity

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

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

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

### Program Evaluation

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

The Superintendent or designee shall annually report to the Board the results of the state physical fitness testing for each school and applicable grade level. He/she shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade

level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

#### **Legal Reference:**

##### **EDUCATION CODE**

- 33126 School accountability report card
- 33350-33354 CDE responsibilities re: physical education
- 35256 School accountability report card
- 49066 Grades; physical education class
- 51210 Course of study, grades 1-6
- 51220 Course of study, grades 7-12
- 51222 Physical education
- 51223 Physical education, elementary schools
- 51241 Temporary, two-year or permanent exemption from physical education
- 51242 Exemption from physical education for athletic program participants
- 52316 Excuse from attending physical education classes
- 60800 Physical performance test

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

- 1040-1048 Physical performance test
- 3051.5 Adapted physical education for individuals with exceptional needs
- 10060 Criteria for high school physical education programs

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

- 794 Rehabilitation Act of 1973, Section 504

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

- 1751 Note Local wellness policy

##### **ATTORNEY GENERAL OPINIONS**

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

#### **Management Resources:**

##### **CSBA PUBLICATIONS**

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

*Physical Education and California Schools, Policy Brief, rev. October 2007*

*Monitoring for Success: Student Wellness Policy*

*Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

##### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

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

##### **CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS**

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

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

- 2008 Physical Activity Guidelines for Americans, October 2008*

##### **WEB SITES**

- CSBA: <http://www.csba.org>
- California Department of Education, Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>
- California Healthy Kids Resource Center: <http://www.californiahealthykids.org>
- California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>
- Centers for Disease Control and Prevention: <http://www.cdc.gov>
- Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/cpf>
- Healthy People 2010: <http://www.healthypeople.gov>
- National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>
- President's Council on Physical Fitness and Sports: <http://www.fitness.gov>
- The California Endowment: <http://www.calendow.org>
- U.S. Department of Health and Human Services: <http://www.health.gov>

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## CSBA Sample

### Administrative Regulation

#### Instruction

## AR 6142.7

### PHYSICAL EDUCATION AND ACTIVITY

#### Definitions

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

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

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

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

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

#### Instructional Time

*Note: Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction in physical education for at least 200 minutes each 10 school days, exclusive of recesses and the lunch period. For grades 7-12, Education Code 51222 requires that all students, except students excused or exempted pursuant to Education Code 51241, attend courses of physical education for at least 400 minutes each 10 school days. However, pursuant to Education Code 51223, elementary school districts maintaining grades 1-8 must provide instruction in physical education for students in grades 7-8 that matches the requirement for grades 1-6 of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period. The CDE's Categorical Program Monitoring process reviews district compliance with these instructional time requirements. The district should select the option below that reflects the grade levels offered by the district.*

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

#### **OPTION 1: (Elementary Districts with any of Grades 1-8)**

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days. (Education Code 51210, 51223)

#### **OPTION 2: (High School Districts)**

Instruction in physical education shall be provided for a total period of time of not less than 400 minutes each 10 school days. (Education Code 51222)

#### **OPTION 3: (Unified School Districts)**

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days for students in grades 1-6 and not less than 400 minutes each 10 school days for students in grades 7-12. (Education Code 51210, 51222)

*Note: The remainder of this section is for use by districts that maintain high schools. See the accompanying Board policy for information about the exemptions described in the following paragraphs.*

Students in grades 10-12 who have been granted a two-year exemption pursuant to Education Code 51241(b) shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Students in grades 10-12 who have been granted a two-year or permanent exemption from physical education pursuant to Education Code 51241(b)(1) or (c) shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

Students in a regional occupational program or center who are exempted from physical education pursuant to Education Code 52316 shall have a minimum school day of 180 minutes. (Education Code 52316)

(cf. 6178.2 - Regional Occupational Center/Program)

### Monitoring Moderate to Vigorous Physical Activity

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

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

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

(cf. 4115 - Evaluation/Supervision)

### Physical Fitness Testing

*Note: Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The State Board of Education has designated FITNESSGRAM as the required physical fitness test. Pursuant to 5 CCR 1041, this requirement also applies to students who attend schools that are on a block schedule and students who may not be enrolled in physical education classes during the annual assessment window.*

*The following paragraph should be modified to reflect grade levels offered by the district. In addition, if the district has chosen to administer the test in any of grades 10-12 (see accompanying Board policy), the following paragraph should be modified accordingly.*

During the annual assessment window between the months of February through May, students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education. (Education Code 60800; 5 CCR 1041)

(cf. 6162.5 - Student Assessment)

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

*Note: The following paragraph is **optional**. 5 CCR 1043.4 authorizes, but does not require, the district to designate a physical fitness test coordinator. If the district chooses to designate a test coordinator, his/her duties must include those described in 5 CCR 1043.4.*

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and California Department of Education for all matters related to the physical fitness test. His/her duties shall be those specified in 5 CCR 1043.4, including, but not limited to, overseeing the administration of the test and the collection and return of all test data to the test contractor. (5 CCR 1043.4)

Students shall be provided with their individual results after completing the physical performance testing. The test results may be provided in writing or orally as the student completes the testing and shall be included in his/



her cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

(*cf.* 5125 - *Student Records*)

*Note: The following paragraph is optional.*

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

The Superintendent or designee shall report the aggregate results of the physical fitness testing in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

(*cf.* 0510 - *School Accountability Report Card*)

### Testing Variations

All students may be administered the state's physical fitness test with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment
2. Separate testing for individual students provided that they are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital
3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

(*cf.* 6159 - *Individualized Education Program*)

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

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that they are directly supervised by the test examiner
2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

### Additional Opportunities for Physical Activity

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

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

1. Training recess and lunch supervisors on methods to engage students in moderate to vigorous physical activity
2. Encouraging teachers to incorporate physical activity into the classroom
3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, special events, and competitions

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

(*cf.* 6145.5 - *Student Organizations and Equal Access*)

4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs

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

(*cf.* 5148.2 - *Before/After School Program*)

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

*(cf. 1330.1 - Joint Use Agreements)*

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

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

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

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

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**CSBA Sample  
Board Policy  
Instruction**

**BP 6142.8  
COMPREHENSIVE HEALTH EDUCATION**

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

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

- (cf. 1020 - Youth Services)*
- (cf. 3513.3 - Tobacco-Free Schools)*
- (cf. 3514 - Environmental Safety)*
- (cf. 3550 - Food Service/Child Nutrition Program)*
- (cf. 3554 - Other Food Sales)*
- (cf. 5131.6 - Alcohol and Other Drugs)*
- (cf. 5131.63 - Steroids)*
- (cf. 5141.22 - Infectious Diseases)*
- (cf. 5141.23 - Asthma Management)*
- (cf. 5141.3 - Health Examinations)*
- (cf. 5141.32 - Health Screening for School Entry)*
- (cf. 5141.4 - Child Abuse Prevention and Reporting)*
- (cf. 5141.6 - School Health Services)*
- (cf. 5141.7 - Sun Safety)*
- (cf. 5142 - Safety)*
- (cf. 5146 - Married/Pregnant/Parenting Students)*
- (cf. 6164.2 - Guidance/Counseling Services)*

*Note: The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note) requires each district participating in the National School Lunch program (42 USC 1751-1769) or any program in the Child Nutrition Act of 1966, including the School Breakfast Program (42 USC 1771-1791), to adopt a districtwide school wellness policy which includes goals for nutrition education and physical education. See BP 5030 - Student Wellness for language fulfilling this mandate.*

Goals for the district's health education program shall be designed to promote student wellness and shall include, but not be limited to, goals for nutrition education and physical activity.

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

*Note: The following **optional** paragraph should be revised as necessary to reflect grade levels offered by the district. Education Code 51210 requires that the adopted course of study for grades 1-6 include instruction in health, including instruction in the principles and practices of individual, family, and community health. Education Code 51202 requires that certain health-related topics be addressed at the appropriate elementary and secondary grade levels and in appropriate subject areas, as determined by the district. Education Code 51934 requires that students be provided HIV/AIDS prevention instruction at least once in middle school or junior high school and at least once in high school. See AR 6143 - Courses of Study and BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction.*

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

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

- (cf. 6011 - Academic Standards)*
- (cf. 6141 - Curriculum Development and Evaluation)*
- (cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*
- (cf. 6143 - Courses of Study)*

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 51890 defines a “comprehensive health education program” as one that includes community participation in the classroom. Education Code 51891 defines “community participation” as including participation by parents/guardians, practicing health care and public safety personnel, and public and private health care and service agencies in the planning, implementation, and evaluation of the program.

As appropriate, the Superintendent or designee shall involve school administrators, teachers, school nurses, health professionals representing various fields of health care, parents/guardians, community-based organizations, and other community members in the development, implementation, and evaluation of the district’s health education program. Health and safety professionals may be invited to provide related instruction in the classroom, school assemblies, and other instructional settings.

(cf. 1220 - Citizen Advisory Committees)

(cf. 1240 - Volunteer Assistance)

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

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

(cf. 6020 - Parent Involvement)

(cf. 6145.8 - Assemblies and Special Events)

(cf. 6162.8 - Research)

The Superintendent or designee shall provide professional development as needed to ensure that health education teachers are knowledgeable about academic content standards and effective instructional methodologies.

(cf. 4131 - Staff Development)

Note: The following **optional** paragraph should be revised to reflect indicators agreed upon by the Governing Board and Superintendent for evaluating the district’s health education program.

The Superintendent or designee shall provide periodic reports to the Board regarding the implementation and effectiveness of the district’s health education program which may include, but not be limited to, a description of the district’s program and the extent to which it is aligned with the state’s content standards and curriculum framework, the amount of time allotted for health instruction at each grade level, and student achievement of district standards for health education.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

### **Legal Reference:**

#### **EDUCATION CODE**

8850.5 Family relationships and parenting education  
35183.5 Sun protection  
49413 First aid training  
49430-49436 Pupil Nutrition, Health and Achievement Act of 2001  
49490-49494 School breakfast and lunch programs  
49500-49505 School meals  
51202 Instruction in personal and public health and safety  
51203 Instruction on alcohol, narcotics and dangerous drugs  
51210 Areas of study  
51210.8 State content standards for health education  
51220.5 Parenting skills; areas of instruction  
51260-51269 Drug education  
51513 Personal beliefs  
51880-51881.5 Health education, legislative findings and intent  
51890-51891 Comprehensive health education programs  
51913 District health education plan  
51920 Inservice training, health education  
51930-51939 Comprehensive sexual health and HIV/AIDS prevention education

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

11800-11801 District health education plan

### **Management Resources:**

#### **CSBA PUBLICATIONS**

*Asthma Management in the Schools, Policy Brief, March 2008*  
*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*  
*Physical Education and California Schools, Policy Brief, rev. October 2007*  
*Promoting Oral Health for California’s Students: New Roles, New Opportunities for Schools, Policy Brief, March 2007*  
*Sun Safety in Schools, Policy Brief, July 2006*  
*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

#### **AMERICAN ASSOCIATION FOR HEALTH**

#### **EDUCATION PUBLICATIONS**

*National Health Education Standards: Achieving Excellence, 2007*

**CALIFORNIA DEPARTMENT OF  
EDUCATION PUBLICATIONS**

*Health Education Content Standards for California Public  
Schools, Kindergarten Through Grade Twelve, 2008*  
*Health Framework for California Public Schools:  
Kindergarten Through Grade Twelve, 2003*

**WEB SITES**

CSBA: <http://www.csba.org>  
American Association for Health Education:  
<http://www.aahperd.org>  
American School Health Association:  
<http://www.ashaweb.org>  
California Association of School Health Educators:  
<http://www.cashe.org>  
California Department of Education, Health Education:  
<http://www.cde.ca.gov/ci/he>  
California Department of Public Health:  
<http://www.cdph.ca.gov>  
California Healthy Kids Resource Center:  
<http://www.californiahealthykids.org>  
California Subject Matter Project, Physical Education-  
Health Project: <http://csmc.ucop.edu/cpehp>  
Center for Injury Prevention Policy and Practice:  
<http://www.cipp.org>  
Centers for Disease Control and Prevention:  
<http://www.cdc.gov>  
National Center for Health Education:  
<http://www.nche.org>  
National Hearing Conservation Association:  
<http://www.hearingconservation.org>

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## CSBA Sample

### Administrative Regulation

#### Instruction

## AR 6142.8 COMPREHENSIVE HEALTH EDUCATION

### Content of Instruction

Note: Items #1-6 below reflect six content areas delineated in the voluntary content standards for health education adopted by the State Board of Education in March 2008. The district may revise the following list to reflect the topics to be addressed in the district's program.

The district's health education program shall include instruction at the appropriate grade levels in the following content areas:

1. Alcohol, tobacco, and other drugs

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.63 - Steroids)

2. Human growth, development, and sexual health

(cf. 6142.1 - Sexual Health and HIV/AIDS

Prevention Education)

Note: The **optional** paragraph under item #3 below includes examples of topics that are addressed in the state content standards within the content area of injury prevention and safety. In addition, pursuant to Education Code 51940, districts may, on a voluntary basis, use curricula distributed by the California Healthy Kids Resource Center that focuses on prevention of brain and spinal cord injuries.

3. Injury prevention and safety

Instruction related to injury prevention and safety may include, but is not limited to, first aid, protective equipment such as helmets, prevention of brain and spinal cord injuries, violence prevention, topics related to bullying and harassment, and Internet safety.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 5131 - Conduct)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5142 - Safety)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6163.4 - Student Use of Technology)

4. Mental, emotional, and social health

(cf. 5137 - Positive School Climate)

(cf. 5141.52 - Suicide Prevention)

(cf. 5149 - At-Risk Students)

5. Nutrition and physical activity

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

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

Note: The **optional** paragraph under item #6 below includes examples of topics that are addressed in the state content standards within the content area of personal and community health.

6. Personal and community health

Instruction in personal and community health may include, but is not limited to, oral health, personal hygiene, sun safety, hearing protection, transmission of germs and communicable diseases, symptoms of common health problems and chronic diseases such as asthma and diabetes, emergency procedures, and the effect of behavior on the environment.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Asthma Management)

(cf. 5141.7 - Sun Safety)

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

(cf. 6142.5 - Environmental Education)

Note: Items #1-6 below combine eight "overarching standards" described in the state content standards as essential concepts and skills to be taught to students.

Within each of the above content areas, instruction shall be designed to assist students in developing:

1. An understanding of essential concepts related to enhancing health
  2. The ability to analyze internal and external influences that affect health
  3. The ability to access and analyze health information, products, and services
- (cf. 5141.6 - School Health Services)

4. The ability to use interpersonal communication skills, decision-making skills, and goal-setting skills to enhance health
5. The ability to practice behaviors that reduce risk and promote health
6. The ability to promote and support personal, family, and community health

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**Exemption from Health Instruction**

*Note: Pursuant to Education Code 51513, districts may not administer exams, surveys, or questionnaires containing questions about a student's or his/her family's personal beliefs or practices in sex, family life, morality, and religion unless the student's parent/guardian has provided prior written consent. See AR 5022 - Student and Family Privacy Rights.*

Upon written request from a parent/guardian, a student shall be excused from any part of health instruction that conflicts with his/her religious training and beliefs, including personal moral convictions. (Education Code 51240)

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

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

*(cf. 6141.2 - Recognition of Religious Beliefs and Customs)*

*(cf. 6145.8 - Assemblies and Special Events)*

Students so excused shall be given an alternative educational activity.

**Involvement of Health Professionals**

Health care professionals, health care service plans, health care providers, and other entities participating in a voluntary initiative with the district are prohibited from communicating about a product or service in a way that is intended to encourage persons to purchase or use the product or service. However, the following activities may be allowed: (Education Code 51890)

1. Health care or health education information provided in a brochure or pamphlet that contains the logo or name of a health care service plan or health care organization, if provided in coordination with the voluntary initiative
2. Outreach, application assistance, and enrollment activities relating to federal, state, or county-sponsored health care insurance programs

*(cf. 1325 - Advertising and Promotion)*

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## V. Resources

The following resources provide additional information on nutrition, physical activity and student learning.

### **Academy of Nutrition and Dietetics (formerly American Dietetic Association)**

www.eatright.org  
120 South Riverside Plaza, Suite 2000  
Chicago, IL 60606  
(800) 877-1600

### **Action for Healthy Kids**

www.actionforhealthykids.org  
600 W. Van Buren St., Suite 720  
Chicago, IL 60607  
(800) 416-5136

### **Active Living Research**

www.activelivingresearch.org  
University of California San Diego  
3900 Fifth Avenue, Suite 310  
San Diego, CA 92103  
(619) 260-5534

### **American Association for the Child's Right to Play**

www.ipausa.org

### **American Association for Health, Physical Education, Recreation and Dance**

www.aahperd.org  
1900 Association Dr.  
Reston, VA 20191  
(800) 213-7193

### **American Cancer Society**

www.cancer.org  
250 Williams St. NW  
Atlanta, GA 30329  
(800) 227-2345

### **American Cancer Society California Division**

www.cancer.org  
1710 Webster St.  
Oakland, CA 94612  
(510) 893-7900

### **American Diabetes Association**

www.diabetes.org  
1701 North Beauregard St.  
Alexandria, VA 22311  
(800) 342-2383  
For a list of offices in California, see  
<http://www.diabetes.org/about-us/local-offices>.

### **American Heart Association National Center**

www.americanheart.org  
7272 Greenville Ave.  
Dallas, TX 75231  
(800) 242-8721

### **American School Health Association**

www.ashaweb.org  
4340 East West Highway, Suite 403  
Bethesda, MD 20814  
(301) 652-8072

### **California Association for Health, Physical Education, Recreation and Dance**

www.cahperd.org  
1501 El Camino Ave., Suite 3  
Sacramento, CA 95815  
(916) 922-3596

### **California Center for Public Health Advocacy**

www.publichealthadvocacy.org  
P.O. Box 2309  
Davis, CA 95617  
(530) 297-6000

*A Patchwork of Progress: Changes in Overweight and Obesity Among California 5th, 7th, and 9th Graders, 2005-2010* (2011) examines changes in overweight and obesity rates, statewide and by county, over a five-year period.

*Overweight and Obesity Among Children by California City* (2010) presents data on the childhood obesity epidemic in California.

*Dropping the Ball: Schools Fail to Meet Physical Education Mandates* (2006) examines compliance with legal requirements pertaining to minimum instructional minutes of physical education.



**California Center for  
Research on Women and Families**

www.ccrwf.org  
c/o PHI  
555 12th Street, 10th Floor  
Oakland, CA 94607-4046  
(916) 476-4289

*Understanding Nutrition: A Primer on Programs and Policies in California* (2011) provides a basic orientation to nutrition, food assistance and physical activity programs, with a special focus on those serving low-income Californians.

**California Department of Education**

www.cde.ca.gov  
1430 N St.  
Sacramento, CA 95814  
(916) 319-0791

Coordinated School Health and Safety Office  
www.cde.ca.gov/ls/he/cs  
(916) 319-0914

Nutrition Services Division  
www.cde.ca.gov/ls/nu  
(800) 952-5609

Physical Education Office  
www.cde.ca.gov/ci/pe

SHAPE California (Shaping Health As Partners in Education)  
www.cde.ca.gov/ls/nu/he/shape.asp  
(800) 952-5609

Team California for Healthy Kids  
www.cde.ca.gov/eo/in/tchk.asp

Resources available from the California Department of Education include:

*Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade Twelve* sets forth key skills and knowledge recommended at each grade level.

*Physical Education Framework for California Public Schools: Kindergarten Through Grade Twelve* provides a framework for programs that a school may offer in the instruction of physical education.

*Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve and Health Framework for California Public Schools: Kindergarten Through Grade Twelve* include recommended content standards and instructional activities related to nutrition education.

*Nutrition Education Resource Guide for California Public Schools: Kindergarten Through Grade Twelve* (2011) provides an instructional resource to help schools implement standards-based nutrition education programs.

*School Nutrition...By Design!* (2006) presents an overview of a healthy nutrition environment and suggests strategies schools and districts can use to model healthy eating habits for their students.

*Strategies For Success II* (2001) showcases sustainable strategies to improve the health and academic success of California children by providing consistent nutrition messages in child nutrition programs, classrooms, and throughout the school environment

**California Department of Public Health**

www.cdph.ca.gov  
P.O. Box 997377, MS 0500  
Sacramento, CA 95899-7377  
(916) 558-1784

California Diabetes Prevention and Control Program  
www.cdph.ca.gov/programs/diabetes  
P.O. Box 997377, MS 7211  
Sacramento, CA 95899-7413  
(916) 552-9888

California Obesity Prevention Program  
http://www.cdph.ca.gov/programs/COPP  
P.O. Box 997377, MS 7211  
Sacramento, CA 95899-7377  
(916) 552-9891

Network for a Healthy California  
[www.cdph.ca.gov/programs/cpns](http://www.cdph.ca.gov/programs/cpns)  
P.O. Box 997413, MS 7204  
Sacramento, CA 95899-7413  
(916) 449-5400

Nutrition and Physical Activity  
[www.cdph.ca.gov/programs/nutritionandphysicalactivity](http://www.cdph.ca.gov/programs/nutritionandphysicalactivity)  
P.O. Box 997420, MS 8305  
Sacramento, CA 95899-7420  
(866) 241-0395

School Health Connections  
<http://www.cdph.ca.gov/programs/schoolhealth>  
P.O. Box 997377, MS 7211  
Sacramento, CA 95899-7377  
(916) 449-5393

Resources available from the California Department of Public Health include:

*Inspiring Youth, Growing Change: Nurturing Strong Minds for a Healthy Community* (2011) presents case studies from partnerships designed to empower low-income Californians to increase fruit and vegetable consumption, physical activity and food security.

*California Teen Eating, Exercise and Nutrition Survey* (CalTEENS) and *California Children's Healthy Eating and Exercise Practices Survey* (CalCHEEPS) provide data on California children's eating and physical activity habits.

### **California Dietetic Association**

[www.dietitian.org](http://www.dietitian.org)  
740 W. Manchester Ave., Suite 102  
Playa Del Rey, CA 90293  
(310) 822-0177

### **California Food Policy Advocates**

[www.cfpa.net](http://www.cfpa.net)  
436 14th Street, Suite 1220  
Oakland, CA 94612  
(510) 433-1122  
San Francisco, CA 94105  
(415) 777-4422

*School's Out ... Who Ate?: A Report on Summer Nutrition in California* is an annual report which tracks trends in the federally funded summer nutrition programs.

*Improving Meal Quality in California's Schools: A Best Practices Guide for Healthy School Food Service* (2003) highlights a few of the innovative approaches used by food service directors to provide healthy and appealing food choices.

### **California Healthy Kids Resource Center**

[www.californiahealthykids.org](http://www.californiahealthykids.org)  
313 W. Winton Ave., Rm. 176  
Hayward, CA 94544  
(510) 670-4583  
(888) 318-8188 toll free

### **California Parent Teacher Association**

[www.capta.org](http://www.capta.org)  
2327 L Street  
Sacramento, CA 95816  
(916) 440-1985

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

[www.CaliforniaProjectLEAN.org](http://www.CaliforniaProjectLEAN.org)  
P.O. Box 997377, MS 7211  
Sacramento, CA 95899-7377  
(916) 552-9907

*Captive Kids: Selling Obesity at Schools* (2007) addresses the issues of marketing unhealthy foods and beverages on school campuses. The tool kit includes information on marketing to children and youth through schools, key steps to develop policy, answers to legal questions, and talking points, case studies, fact sheets and additional resources.

*Policy in Action: A Guide to Implementing Your Local School Wellness Policy* (2006) assists districts in implementing the physical activity and food and beverage guideline components of their local wellness policy.

*Jump Start Teens* (2006) provides interactive and crosscurricular lessons encouraging students to eat healthy, keep moving and take action.

*Food and Beverage Marketing on California High School Campuses Survey* (2006) presents the types and quantities of food and beverage marketing and promotion on school campuses.

*Food on the Run: Lessons from a Youth Nutrition and Physical Activity Campaign* (2004) describes a multi-component school-based intervention to promote healthy eating and physical activity among adolescents.

*California High School Fast Food Survey: Findings and Recommendations* (2003) examines the prevalence of fast foods on California high school campuses and student access to healthy foods at school.

*2001 Prevalence and Specifics of Districtwide Beverage Contracts in California's Largest School Districts: Findings & Recommendations* presents an analysis of exclusive beverage contracts in California schools.

*Playing the Policy Game* (1999) is a booklet that highlights nutrition and physical activity policies that teens can pursue with adult guidance.

*California School Food Standards Calculator* calculates if foods meet nutritional standards in SB 19 (Chapter 235).

### **California Research Bureau**

www.library.ca.gov  
Library and Courts II Building  
900 N Street, Suite 300  
Sacramento, CA 95814  
(916) 653-7843

*Overweight Kids: Why Should We Care?* (2000) describes the underlying factors that contribute to weight problems among children and adolescents, and examines the effects that being overweight and obese have on child and adolescent health and on healthcare costs.

### **California School Boards Association**

www.csba.org  
3100 Beacon Blvd.  
West Sacramento, CA 95691  
(800) 266-3382

*Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies* (2012) provides assistance to districts and county offices of education in reviewing local school wellness policies to comply federal law and to assess the effectiveness of efforts to improve student health and well-being.

*Nutrition Standards for Schools: Implications for Student Wellness* (2012) describes federal and state standards for food and beverages provided at school and suggests issues that boards should consider as they renew proposed policies.

*Expanding School Breakfast Programs to Improve Student Learning* (2011) discusses the benefits of breakfast, school breakfast program models and the role of the board in promoting a healthy environment.

*Providing Access to Nutritious Meals During Summer* (2010) provides an overview of the federally funded summer programs.

*Active Bodies, Active Minds: Physical Activity and Academic Achievement* (2010) summarizes research showing a positive correlation between physical activity and student achievement.

*Maximizing Opportunities for Physical Activity Through Joint Use of Facilities* (2010) addresses joint use models, how to get started, liability issues, funding issues and the board's role.

*Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement* (2009) focuses on collaborative efforts to promote student wellness, including steps for creating a collaborative and case studies.

*Maximizing Opportunities for Physical Activity During the School Day* (2009) encourages physical activity breaks during the school day, classroom-based physical activity and other school-based activities.

*Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes* (2009) discusses the benefits of moderate to vigorous physical activity in physical education classes, how much is needed and cost-effective ways to increase MVPA.

*Safe Routes to School: Program and Policy Strategies* (2009) describes key components of Safe Routes to School programs, funding sources and the board's role in promoting and facilitating the program.

*School Wellness Policy Development, Implementation and Evaluation* (2008) presents the results of a study of perceptions, barriers and opportunities of school board members, state school boards association staff, school wellness advocates, state public health nutrition directors and superintendents with respect to school wellness policies.

*Physical Education and California Schools* (2007) discusses state requirements related to the physical education program and the board's role in ensuring a high-quality program.

*School-based Marketing of Foods and Beverages: Policy Implications for Schools* (2006) provides background information on commercial activities and highlights critical policy considerations.

### **California School Nutrition Association**

www.csfsa.org  
210 N. Glenoaks Blvd., Suite C  
Burbank, CA 91502  
(818) 842-3040

### **California State Parks and Recreation Society**

www.cprs.org  
7971 Freeport Blvd.  
Sacramento, CA 95832  
(916) 665-2777

### **CANFIT**

#### **(Communities · Adolescents · Nutrition · Fitness)**

www.canfit.org  
2140 Shattuck Ave., Ste. 610  
Berkeley, CA 94704  
(510) 644-1533  
Resources related to nutrition and physical activity in after-school programs

### **Center for Collaborative Solutions**

www.ccscenter.org  
1337 Howe Avenue, Suite 210  
Sacramento, CA 95825  
(916) 567-9911

*Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs* (2010) is designed to strengthen after-school programs to help students develop healthy lifestyle habits.

### **Center for Health Improvement**

www.chipolicy.org  
1330 21st St., Suite. 100  
Sacramento, CA 95814  
(916) 930-9200

### **Center for Science in the Public Interest**

www.cspinet.org  
1875 Connecticut Ave., NW, Suite 300  
Washington, D.C. 20009-5728  
(202) 332-9110

*Sweet Deals: School Fundraising Can Be Healthy and Profitable* (2007) provides suggestions for healthy fundraisers and lists those to avoid.

*Pestering Parents: How Food Companies Market Obesity to Children* (2003) outlines children's exposure to food marketing, the types of venues and techniques used to market food to children, the effect of that marketing on children's food choices, and recommendations for schools to reduce the marketing of low-nutrition foods to children.

### **Center for Weight and Health**

www.cnr.berkeley.edu/cwh  
University of California Berkeley College of Natural Resources  
3 Giannini Hall  
Berkeley, CA 94720-3100  
(510) 642-2915

### **Centers for Disease Control and Prevention, Division of Adolescent and School Health**

[www.cdc.gov/HealthyYouth](http://www.cdc.gov/HealthyYouth)  
4770 Buford Hwy NE  
MS K29  
Atlanta, GA 30341  
(800) 232-4636

*School Health Guidelines to Promote Healthy Eating and Physical Activity* (2011) synthesizes scientific evidence and best practices into a set of evidence-based guidelines for schools serving students in grades K-12.

*School Health Index (SHI): Self-Assessment & Planning Guide* (2005) is a self-assessment and planning tool that schools can use to improve their health and safety policies and programs.

### **Council of Chief State School Officers**

[www.ccsso.org](http://www.ccsso.org)  
One Massachusetts Ave., NW, Suite 700  
Washington, DC 20001  
(202) 336-7000

### **Dairy Council of California**

[www.dairycouncilofca.org](http://www.dairycouncilofca.org)  
1101 National Dr., Suite B  
Sacramento CA 95834  
(916) 263-3560 or (877) 324-7901

### **Food Research and Action Center**

[www.frac.org](http://www.frac.org)  
1875 Connecticut Ave. NW, Suite 540  
Washington, DC 20009  
(202) 986-2200

### **Institute of Medicine**

[www.iom.edu](http://www.iom.edu)  
500 Fifth St., NW  
Washington DC, 2001  
(202) 334-2352

*Preventing Childhood Obesity: Health in the Balance* (2004) responds to Congress' charge to the IOM to present an action plan to decrease the number

of obese children and youth in the United States. A follow-up report, *Progress in Preventing Childhood Obesity: How Do We Measure Up?* (2006), examines the progress made by obesity prevention initiatives in the United States from 2004 to 2006.

### **National Alliance for Nutrition and Activity**

[www.cspinet.org/nutritionpolicy/nana.html](http://www.cspinet.org/nutritionpolicy/nana.html)

*Model Local School Wellness Policies on Physical Activity and Nutrition* provides model policies to meet the Child Nutrition and WIC Reauthorization Act of 2004.

### **National Association of State Boards of Education**

[www.nasbe.org](http://www.nasbe.org)  
2121 Crystal Drive, Suite 350  
Arlington, VA 22202  
(703) 684-4000  
2121 Crystal Drive

*Obesity Prevention Policies for Middle and High Schools: Are We Doing Enough?* (2010) reviews state and district-level policies pertaining to physical activity and nutrition.

### **National Farm to School Network**

[www.farmtoschool.org](http://www.farmtoschool.org)  
P.M.B. #104  
8770 West Bryn Mawr Ave., Suite 1300  
Chicago, IL 60631  
(847) 917-7792

### **National Heart, Lung, and Blood Institute**

[www.nhlbi.nih.gov](http://www.nhlbi.nih.gov)  
Information Center  
P.O. Box 30105  
Bethesda, MD 208-24-0105  
(301) 592-8573

The *We Can!* Initiative offers resources providing families and communities with a variety of materials, tools, tracking sheets and other information to encourage a healthy and physically active lifestyle.

### **National School Boards Association**

www.nsba.org  
1680 Duke St.  
Alexandria, VA 22314  
(703) 838-6722

### **Nutrition.gov**

Nutrition.gov is a portal to nutrition information across the federal government agencies. It allows for online access to federal government information on nutrition.

### **President's Council on Fitness, Sports and Nutrition**

www.fitness.gov  
1101 Wootton Parkway, Suite 560  
Rockville, MD 20852  
(240) 276-9567

### **Prevention Institute**

www.preventioninstitute.org  
221 Oak Street  
Oakland, CA 94607  
(510) 444-7738

*Environmental Nutrition and Activity Strategies Tool (ENACT)* provides a menu of strategies designed to improve nutrition and activity environments on a local level.

### **Public Health Institute**

www.phi.org  
555 12th St., 10th Floor  
Oakland, CA 94607  
(510) 285-5500

### **School Food FOCUS (Food Options for Children in Urban Schools)**

www.schoolfoodfocus.org  
Public Health Solutions  
40 Worth Street, 5th Floor  
New York, NY 10013  
(646) 619-6728

### **School Nutrition Association**

www.schoolnutrition.org  
120 Waterfront Street, Suite 300  
National Harbor, MD 20745  
(301) 686-3100

### **Society for Nutrition Education**

www.sne.org  
9100 Purdue Road, Suite 200  
Indianapolis, IN 46268  
(800) 235-6690

### **United States Department of Agriculture**

www.usda.gov

Center for Nutrition Policy and Promotion  
www.usda.gov/cnpp  
3101 Park Center Drive  
Alexandria, VA 22302  
(703) 305-7600

Food and Nutrition Information Center  
www.nal.usda.gov/fnic  
National Agricultural Library, Room 108  
10301 Baltimore Ave.  
Beltsville, MD 20705-2351  
(301) 504-5719

Food and Nutrition Services  
www.fns.usda.gov  
3101 Park Center Drive  
Alexandria, VA 22302

HealthierUS School Challenge  
www.teamnutrition.usda.gov/HealthierUS

MyPlate  
www.choosemyplate.gov

Team Nutrition, Food and Nutrition Services  
www.teamnutrition.usda.gov  
3101 Park Center Dr., Rm. 632  
Alexandria, VA 22302  
(703) 305-1624

Resources available from the USDA include:

*Child Nutrition Reauthorization 2010: Local School Wellness Policies* (2011) is an implementation guidance memo providing information about wellness policy requirements and recommended actions.

*2010 Dietary Guidelines for Americans* (2010) provides recommendations regarding calories, nutrient levels, and foods that should be reduced.

*Making it Happen: School Nutrition Success Stories* (2005) tells the stories of 32 schools and school districts across the United States to implement innovative strategies to improve the nutritional quality of foods and beverages sold outside of federal meal programs.

*Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action* (2000) is an action kit to help parents, teachers, school administrators, school food service professionals and the community look at their school nutrition environment and identify areas needing improvement.

# Appendices

## APPENDIX A: GLOSSARY

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**A la carte** — The sale of individual food items in snack bars, school stores and vending machines that compete with school meals for students' appetites, time and money.

**Anemia** — A condition in which the blood is deficient in red blood cells, in hemoglobin or in total volume.

**Bone mass** — The amount of calcium in a given amount of bone.

**Body Mass Index (BMI)** — An indicator of body fatness based on a ratio of height and weight and compared against historic population references. For children and teens, BMI is age- and sex-specific.

**Cardiovascular disease** — A disease of the heart or blood vessels.

**Cholesterol** — A waxy substance made by the liver and also supplied in the diet through animal products such as meats, poultry, fish and dairy products. High cholesterol is a leading risk factor for coronary heart disease. Excess cholesterol in the bloodstream can form plaque (a thick, hard deposit) in artery walls. The cholesterol or plaque build-up causes arteries to become thicker, harder and less flexible, slowing down and sometimes blocking blood flow to the heart.

**Cognitive development** — The development of intelligence, conscious thought and problem-solving ability that begins in infancy.

**Competitive foods** — Foods sold in competition with the National School Lunch Program and the School Breakfast Program during the school's designated lunch or breakfast periods. Federal regulations do not prohibit the sales of competitive foods as long as such foods are not foods of minimal nutritional value (FMNV) as defined.

**Coordinated school health program** — Centers for Disease Control and Prevention model in which schools provide a critical facility where many agencies work together to maintain the well-being of young people. The

eight components of a coordinated school health program include 1) health education, 2) physical education, 3) health services, 4) nutrition services, 5) health promotion for staff, 6) counseling and psychological services, 7) health school environment and 8) parent/community involvement.

**Dental caries** — Formation of cavities in the teeth by the action of bacteria; tooth decay.

**Dietary Guidelines for Americans** — Evidence-based nutritional guidance issued by the U.S. Department of Agriculture and U.S. Department of Health and Human Services to promote health, reduce the prevalence of overweight and obesity and reduce the risk of chronic diseases. The Dietary Guidelines encourage Americans to consume more healthy foods like vegetables, fruits, whole grains, and fat-free and low-fat dairy products and to consume less sodium, saturated and trans fats, added sugars and refined grains.

**Dietary Reference Intake (DRI)** — A system of nutrition recommendations from the Institute of Medicine of the U.S. National Academy of Sciences. The system was introduced in 1997 to broaden the guidelines known as Recommended Dietary Allowances and the Reference Daily Intake (RDI) that is still used for nutrition labeling.

**Extracurricular activities** — School-sponsored voluntary programs that supplement regular education and contribute to the educational objectives of the school.

**Foods of minimal nutritional value (FMNV)** — Food items providing less than 5 percent of recommended nutrient levels as defined in Appendix B of 7 CFR 210. Examples of FMNV include carbonated beverages, chewing gum, water ices and most hard candies. Federal regulations prohibit the sale of these items in the food service area while school meals are being served.

**Free and reduced-price meals program** — The provision of meals at no cost or lower cost to children determined by local school officials, in accordance with federal eligibility criteria, to be unable to pay the "full established" price for meals.



**Intramurals** — Physical activity programs that provide opportunities for all students to participate in sport, fitness and recreational activities within their own school.

**Interscholastic athletics** — Organized individual and team sports that involve more than one school.

**Junk food** — Foods that provide calories primarily through fats or added sugars and have minimal amounts of vitamins and minerals.

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

**MyPlate** — An educational and communications tool issued by the U.S. Department of Agriculture which illustrates the five food groups and encourages Americans to make better food choices. Beginning in 2011, MyPlate replaced the food pyramid guide (MyPyramid).

**National School Lunch and Breakfast Programs** — Federally assisted meal programs operating in public and private schools. The program is administered by the Food and Nutrition Service of the U.S. Department of Agriculture through state educational agencies. Participating districts receive cash subsidies for each meal served and, in return, must serve meals that meet federal requirements and must offer free or reduced-priced meals to eligible children.

**Nutrition standards** — Federal, state or local guidelines for the nutritional content of foods and beverages.

**Obesity** — A high amount of body fat. Children and teens are defined as obese with a BMI for age at or above the 95th percentile of the Centers for Disease Control and Prevention growth charts.

**Osteoporosis** — Porous bones. Weight-bearing exercise and the consumption of calcium-rich foods during

childhood and adolescence are critical to ensure peak bone mass and reduce the risk of osteoporosis later in life. Since prevention occurs by reaching optimal bone mass during adolescence, it is not possible to make up any deficiencies later in life.

**Overweight** — Condition of being too heavy for one's height. Children and teens are defined as overweight with a BMI for age between the 85th and 95th percentiles of the Centers for Disease Control and Prevention growth charts. Body weight comes from fat, muscle, bone and body water. Overweight does not always mean over-fat.

**Sleep apnea** — Literally means "without breath." People with untreated sleep apnea stop breathing repeatedly during their sleep, sometimes hundreds of times during the night and often for a minute or longer. Untreated, sleep apnea can cause high blood pressure and other cardiovascular disease, memory problems, weight gain and headaches.

**Soft drink** — Includes soda, fruit-flavored and part-juice drinks and sports drinks.

**Type 2 diabetes** — Previously known as "noninsulin-dependent diabetes mellitus" or "adult-onset diabetes." Type 2 diabetes is the most common form of diabetes mellitus. About 90 to 95 percent of people who have diabetes have type 2 diabetes. People with type 2 diabetes produce insulin, but either do not make enough insulin or their bodies do not use the insulin they make. Most of the people who have this type of diabetes are overweight. Therefore, people with type 2 diabetes may be able to control their condition by losing weight through diet and exercise. They may also need to inject insulin or take medicine along with continuing to follow a healthy program of diet and exercise. Although type 2 diabetes commonly occurs in adults, an increasing number of children and adolescents who are overweight are also developing type 2 diabetes.

**Undernourishment** — The state of inadequate nutrition resulting from lack of food or failure of the body to absorb or assimilate nutrients properly. Undernourishment can result in delays in cognitive development and problem-solving abilities.



April 2012

# Policy Brief

## Nutrition Standards for Schools: Implications for Student Wellness

Nutrition standards for foods and beverages provided on campus should be part of a coordinated approach to encouraging healthy eating practices and physical activity in order to improve children's health, curb childhood obesity and enhance student learning. If the district or county office of education (COE) participates in the National School Lunch Program (NSLP), School Breakfast Program (SBP) and/or other programs authorized by the federal Child Nutrition Act, its nutrition guidelines must be incorporated into a comprehensive policy on student wellness as described below.

It is the responsibility of the governance team to ensure that district/COE standards meet or exceed the applicable standards specified in state and federal law. The Healthy, Hunger-Free Kids Act (P.L. 111-296), signed into law in December 2010, reauthorized six major nutrition programs and required the Secretary of Agriculture to update the federal nutrition standards. New federal regulations adopted January 26, 2012 (77 Fed. Reg. 17) align meal patterns and nutrition standards for the NSLP and SBP with the 2005 Dietary Guidelines for Americans.

This policy brief summarizes nutrition standards affecting schools and suggests issues that boards should consider as they review and adopt related board policies and administrative regulations.

### Federal mandate for wellness policy

The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 mandated that any district/COE participating in a federal nutrition program adopt a policy on student wellness (see CSBA sample policy BP 5030 - Student Wellness). These requirements were amended by P.L. 111-296.

As currently written, 42 USC 1758b requires that local wellness policies include, at a minimum:

1. Goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness
2. For all foods available on each school campus during the school day, nutrition guidelines that are consistent with federal standards specified in 42 USC 1773 and 1779 and that promote student health and reduce childhood obesity
3. A requirement that parents, students, food service employees, physical education teachers, school health professionals, the board, school administrators, and members of the public be provided opportunities to participate in the development, implementation and periodic review and update of the wellness policy
4. A requirement that the district/COE inform and update the public, including parents, students and others in the community, about the content and implementation of the wellness policy
5. A requirement that the district/COE periodically assess the implementation of the wellness policy and make the results available to the public

This policy brief focuses on component #2 pertaining to nutrition guidelines for schools, including foods and beverages offered through meal programs as well as other food sales through vending machines, student stores, fundraisers or other venues.

To comply with federal law, districts/COEs should have adopted a wellness policy by the beginning of the 2006-07 school year. However, these wellness policies should be reviewed for compliance with P.L. 111-296 and the

federal nutrition standards adopted in January 2012, and should be continually monitored and updated as needed to ensure their effectiveness in meeting goals for student wellness.

Additional guidance is available from the U.S. Department of Agriculture (USDA), which is required by P.L. 111-296 to provide a framework and guidelines for the establishment of wellness policies. Model policies and best practices recommended by federal and state agencies and nongovernmental organizations are available on the USDA's website. Also see CSBA's *Monitoring for Success: Student Wellness Policy Implementation Monitoring Guide* and *Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide*.

### HealthierUS School Challenge

The national HealthierUS School Challenge recognizes schools participating in NSLP that have created healthier school environments by improving the quality of the foods served, providing students with nutrition education, and providing students with physical education and opportunities for physical activity. Award-winning schools receive community and national recognition and a monetary incentive award, and in return must commit to meeting the criteria throughout the four-year certification period.

For further information and application materials, see <http://teamnutrition.usda.gov/healthierUS>.

## Summary of nutrition standards

### School lunch and breakfast programs

Education Code 49550 requires all schools to provide at least one "nutritionally adequate meal" each school day to students who meet federal eligibility criteria for free and reduced-price meals. A "nutritionally adequate meal" is defined as one that qualifies for reimbursement under federal child nutrition program regulations. This requirement applies regardless of whether the school receives reimbursements through NSLP, SBP and/or the State Meal Program (Education Code 49490-49494) or receives no funding support for school meals. Schools participating in NSLP or SBP also are required to extend meal service to all students enrolled in the school.

As adopted in January 2012, updated federal requirements pertaining to NSLP, as listed in 7 CFR 210.10, are effective July 1, 2012. Most SBP requirements take effect beginning July 1, 2013. SBP meal requirements for the 2012-13 and

2013-14 school years only are listed in 7 CFR 220.23; these will be superseded by the requirements in 7 CFR 220.8 after the 2013-14 school year. Districts/COEs that comply with the updated standards will receive an additional reimbursement.

The new standards increase the amount of fruits, vegetables and whole-grain products required, specify that all milk offered must be low-fat or fat-free, limit the amount of sodium and saturated fat, prohibit trans fat, and set minimum and maximum calorie levels. For further details on the changes in the meal patterns and dietary specifications, see the USDA's website which includes *Questions & Answers on the Final Rule, "Nutrition Standards in the National School Lunch and School Breakfast Programs."*

Instead of following federal nutrition guidelines, a number of schools have used the nutrient standard menu planning approach of the state's Shaping Health as Partners in Education (SHAPE) program. However, the USDA has disallowed the use of the SHAPE meal planning option for schools participating in NSLP or SBP and requires that all such schools follow the single food based menu planning approach (although schools can continue to use other approaches for breakfast programs until the 2013-14 school year).

As part of the administrative review of districts/COEs participating in NSLP and/or SBP, the California Department of Education (CDE) is required to conduct a nutrient analysis of school lunches and, effective July 1, 2013, a nutrient analysis of school breakfasts. Beginning in 2013-14, an administrative review must be conducted at least once every three years.

State nutrition standards are substantially similar to the new federal requirements, with the exception that state law also requires that foods not be deep fried, par fried or flash fried. This additional requirement applies to districts/COEs participating in the State Meal Program, as well as those participating in NSLP and/or SBP which choose to apply for state reimbursements for free and reduced-price meals in addition to their base reimbursement.

### Drinking water

Encouraging students to consume water rather than sugar-sweetened beverages contributes to their health and well-being and helps combat obesity.

Both state and federal law require schools to make free, fresh drinking water available during school meal times. Although federal law (42 USC 1758) applies only to schools participating in the NSLP, Education Code 48086 applies to all schools unless a governing board adopts a resolution demonstrating that the district/COE is unable to comply due to fiscal constraints or health or safety concerns.

Districts/COEs may determine the best manner of complying with these requirements, which may include providing cups and containers of water or soliciting or receiving donated water.

## Best practices

A 2009 survey by California Project LEAN found that students were less likely to drink water at school when the water was not cold, there was an insufficient number of water fountains based on the number of students, and/or the fountains or dispensers were not well maintained. Thus, the CDE recommends that schools:

- Provide refrigerated water stations that dispense cold, fresh, and often filtered water or place large containers of chilled tap water in the cafeteria during mealtimes.
- Ensure that all water fountains on school grounds are operating properly and are cleaned daily.
- Encourage water consumption through marketing and advertising, improving flavor and attractiveness by using clear containers and adding sliced fruit to the water, and providing low-cost water bottles with clip to attach to students' backpacks.

In addition, because reusable water bottles are popular among students, California Food Policy Advocates encourages districts/COEs to negotiate with industries to receive subsidized or donated products or establish partnerships with parent-teacher organizations, local health advocates or the local health department.

For further information, see the CDE's website at [www.cde.ca.gov/ls/nu/he/water.asp](http://www.cde.ca.gov/ls/nu/he/water.asp) and the California Food Policy and Advocates' website at <http://cfpa.net/water-in-schools>.

## Other food sales

Foods and beverages sold through school organizations, vending machines, student stores or other venues outside the food services program generally must comply with state nutrition standards specified in Education Code 49430-49431.7 and 5 CCR 15575-15578. State law does allow some sales of foods and beverages that do not comply with state nutrition standards, but only if such sales occur outside the school or outside the normal school day.

In addition, P.L. 111-296 requires the USDA to establish federal nutrition standards for all foods sold and served in school at any time during the school day, but allows exemptions for school-sponsored fundraisers if the fundraisers are approved by the school and are infrequent.

When such regulations are approved, districts/COEs will need to review their policies and administrative regulations to ensure compliance.

Districts/COEs that have contracts with a third party for the sale of foods or beverages in vending machines may need to examine those contracts and negotiate to make sure that those foods and beverages comply with nutrition standards in accordance with law. If a contract provision is in conflict with state or federal nutrition standards, legal counsel should be consulted.

## Summer meals

Summer nutrition programs help children in low-income communities get the nutrition they need to learn, play and grow throughout the summer months when they are out of school. With CDE approval, districts/COEs may serve as a program sponsor under the federally funded Summer Food Service Program or, if they also participate in NSLP or SBP, in the Seamless Summer Feeding Option.

All meals offered through the summer meal program must meet the USDA minimum meal patterns specified in 7 CFR 225.16 or the meal patterns required for NSLP or SBP, as applicable.

## Snacks in after-school or child care programs

Snacks provided to students through after-school programs funded by the state After School Education and Safety program or federal 21st Century Community Learning Centers program must meet state nutrition standards specified in Education Code 49430-49431.7. In addition, if the snacks are provided through a federally reimbursable snack program (i.e., NSLP Afternoon Snacks, Child and Adult Care Food Program, or Summer Food Service Program), the snack must meet both the federal and state requirements.

## Policy considerations for boards

The governance team needs to ensure that policies and administrative regulations containing nutrition guidelines are regularly reviewed and updated for alignment with current law. Even when the policy is developed with the involvement of a school health council or other committee, the board is ultimately responsible for the content of the policy.

It is recommended that the board look at the "big picture" for improving student health, rather than reviewing nutrition guidelines in isolation. As noted above, for those districts/COEs participating in NSLP or SBP, these nutrition guidelines should be incorporated into the local wellness policy. However, it is likely that related concepts will appear in multiple policies. The governance team is encouraged

to review the following sample board policies and administrative regulations available from CSBA and tailor them to meet local needs and goals:

- BP 3312 - Contracts
- BP/AR 3550 - Food Service/Child Nutrition Program
- BP/AR 3551 - Food Service Operations/Cafeteria Fund
- BP/AR 3552 - Summer Meal Program
- BP/AR 3553 - Free and Reduced-Price Meals
- BP/AR 3554 - Other Food Sales
- BP 3555 - Nutrition Program Compliance
- BP 5030 - Student Wellness
- BP/AR 5141.27 - Food Allergies/Special Dietary Needs
- BP/AR 6142.7 - Physical Education and Activity
- BP/AR 6142.8 - Comprehensive Health Education

When developing or updating policy related to nutrition standards, the board might consider the following questions:

- What does research show about the relationship between nutrition and student learning?
- Do district/COE nutrition standards for all foods and beverages sold at schools align with or exceed current state and federal requirements, as applicable?
- Is free, fresh drinking water available at all schools during school meal times?
- Does the district/COE have contract obligations that need to be taken into consideration (e.g., contracts with beverage companies)? When will those contracts expire?
- How are foods currently selected for school menus? Are students or parents/guardians involved in the process?
- Are all district/COE schools participating in available child nutrition programs, including lunch, breakfast, after-school snacks, child care food service and summer food service? If not, why not? How can participation be expanded?
- What is the total level of student participation in each available child nutrition program?
- What percentage of students is eligible for free and reduced-price meals? What percentage participates in each available meal service?
- Which schools, if any, currently have vending machines, student stores or other venues for food and beverage sales? What foods and beverages are sold to students through these venues? Do they offer healthy snacks?

- Are nutrition standards perceived as part of a broader, more comprehensive approach to student health? In what ways are linkages accomplished?
- Are the district/COE nutrition guidelines incorporated into an overarching policy on student wellness?
- What is the role of the school health council or committee in providing ongoing input on child nutrition and the food services program?
- What is the status of implementation of the wellness policy? Has the superintendent designated one or more district or school employees to ensure that each school site complies with the wellness policy?
- What measures will be used to assess the effectiveness of the wellness policy, including the nutritional guidelines component? How often does the board expect reports on progress made in attaining the goals in the wellness policy?

## Other board actions

In addition to adopting policy to improve the nutritional content of foods and beverages available at schools, the board can support and reinforce its policy in the following ways:

1. In setting the vision and goals for the district/COE, emphasize the board's priority on supporting student health, including specific desired outcomes related to healthy eating.
2. Ensure that the district/COE budget supports the priority on student nutrition. If contracts for non-nutritious foods or beverages will not be renewed, track the impact on the budget and explore alternative funding sources that do not compromise student health.
3. Ensure that food services staff receive ongoing professional development in child nutrition and related legal requirements.
4. Adopt curriculum for nutrition education that helps students acquire knowledge and skills to adopt healthy eating habits.
5. Become advocates for good health and nutrition. Encourage employees to serve as positive role models for students through their own behaviors and by avoiding the use of non-nutritious foods as classroom rewards. Encourage parents/guardians to provide healthy snacks for class parties and to reinforce healthy eating practices at home. Encourage school organizations to use non-food items for fundraisers. As community leaders, collaborate with other agencies and organizations to develop coordinated approaches to student health.

6. Ensure accountability for the implementation and evaluation of the wellness policy. Work with the superintendent and/or school health council or committee to identify desired outcomes that can be clearly measured, and schedule regular reports to the board on progress toward those outcomes. Inform and update the public regarding the content, implementation and evaluation of the wellness policy.

## Additional resources

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

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

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

*Monitoring for Success: Student Wellness Policy Implementation Monitoring Guide*

*Expanding School Breakfast Programs to Improve Student Learning*

*Providing Access to Nutritious Meals During Summer*

*Food Safety Requirements*

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

**Action for Healthy Kids:** [www.actionforhealthykids.org](http://www.actionforhealthykids.org)

**California Department of Education:** [www.cde.ca.gov/ls/nu](http://www.cde.ca.gov/ls/nu)

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

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

**California Food Policy Advocates:** [www.cfpa.net](http://www.cfpa.net)

*Improving Water Consumption in Schools: Challenges, Promising Practices, and Next Steps*

**California Healthy Kids Resource Center:** [www.californiahealthykids.org](http://www.californiahealthykids.org)

**California Project LEAN (Leaders Encouraging Activity and Nutrition):** [www.californiaprojectlean.org](http://www.californiaprojectlean.org)

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

**CANFIT (Communities, Adolescents, Nutrition, and Fitness):** [www.canfit.org](http://www.canfit.org)

*Healthy Snack Guide for Your After School Program*

**Centers for Disease Control and Prevention:** [www.cdc.gov](http://www.cdc.gov)

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

*Making It Happen! School Nutrition Success Stories*

**Dairy Council of California:** [www.dairycouncilofca.org](http://www.dairycouncilofca.org)

**Institute of Medicine:** [www.iom.edu](http://www.iom.edu)

*Nutrition Standards for Foods in Schools: Leading the Way Toward Healthier Youth*

**National Alliance for Nutrition and Activity:** [www.cspinet.org/nutritionpolicy/nana.html](http://www.cspinet.org/nutritionpolicy/nana.html)

**National Association of State Boards of Education:** [www.nasbe.org](http://www.nasbe.org)

*Preventing Childhood Obesity: A School Health Policy Guide Fit, Healthy, and Ready to Learn*

**National Farm to School Network:** [www.farmtoschool.org](http://www.farmtoschool.org)

**School Food FOCUS (Food Options for Children in Urban Schools):** [www.schoolfoodfocus.org](http://www.schoolfoodfocus.org)

**School Nutrition Association:** [www.schoolnutrition.org](http://www.schoolnutrition.org)

**U.S. Department of Agriculture:** [www.fns.usda.gov/fns](http://www.fns.usda.gov/fns) and [www.teamnutrition.usda.gov](http://www.teamnutrition.usda.gov)

*Dietary Guidelines for Americans*

*Questions & Answers on the Final Rule, "Nutrition Standards in the National School Lunch and School Breakfast Programs"*

*Empowering Youth with Nutrition and Physical Activity*

*Changing the Scene — Improving the School Nutrition Environment*

*Implementing Strong Nutrition Standards for Schools: Financial Implications*

*Food Buying Guide for Child Nutrition Programs*

*Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff*



July 2011

# Policy Brief

## Expanding School Breakfast Programs to Improve Student Learning

### The benefits of breakfast

Confirming the old adage that breakfast is the most important meal of the day, research demonstrates that eating breakfast truly can be a critical factor in improving student health and learning. Because many students do not have access or time to eat breakfast at home, school breakfast programs can be a way for students to get nourishment and attain healthy body weight. Research also suggests that eating a nutritious breakfast can have a number of positive impacts on student learning, including:

- School breakfast programs are correlated with better grades and lower rates of absenteeism and tardiness.<sup>1, 2, 3</sup>
- In a survey that sampled responses from students in grades 7, 9 and 11, higher Academic Performance Index scores were shown in schools where a higher percentage of students ate breakfast on the day of the test.<sup>4</sup>
- A study of the effects of universal school breakfast found that math and reading achievement scores increased each year that the program was in place.<sup>5</sup>
- Researchers found that serving breakfast to children who do not get a morning meal elsewhere can significantly improve their cognitive and mental abilities.<sup>6</sup>
- After implementation of the federally funded School Breakfast Program, schools experience improvements in attendance, and therefore increased average daily attendance.<sup>7</sup>

School districts and county offices of education that have already implemented various school breakfast program models report other benefits, including a decrease in the number of student complaints to the school nurse of

stomachaches and headaches,<sup>8</sup> a decrease in the number of students who avoid breakfast programs because of their perceived body image or the social stigma of eating in the cafeteria<sup>9</sup> and healthier food choices made throughout the day for students who eat breakfast.<sup>10</sup>

School boards therefore have an opportunity to improve student health and academic achievement while increasing revenue for the district by initiating and/or expanding school breakfast programs that provide additional federal funds for meal reimbursement. For school boards, knowing that the link between breakfast and academic achievement exists is a key consideration when weighing the cost of investing in a school breakfast program, particularly knowing that such an investment may afford students a greater opportunity to be well nourished and to be ready to learn.

### Extent of the problem

Despite the clear benefits of eating breakfast, there are significant numbers of students nationwide who do not eat breakfast. The percentage of young people who eat breakfast decreases with age; while 92 percent of children ages 6–11 eat breakfast, only 77 percent of adolescents ages 12–19 eat breakfast.<sup>11</sup> School breakfast programs could help meet the need, but such programs are often underutilized and may not reach the students who are most in need. In California, the School Breakfast Program reaches only 18 percent of students enrolled in public schools, even though 54 percent of the students are eligible to receive free or reduced price meals. Among those who are eligible for free or reduced-price meals, over 70 percent do not benefit from the School Breakfast Program, and over 50 percent of the students who are served by the National School Lunch Program are not served by the School Breakfast Program. More districts are working to increase the number of students being served breakfast, but the number of students who are in need and are eligible for free and reduced-price meals is also increasing.<sup>11</sup> Thus, it is critical that districts/COEs identify and address obstacles to implementing

breakfast programs and develop strategies for increasing student participation.

### School breakfast program facts

The School Breakfast Program is a federally funded meal program operated by the U.S. Department of Agriculture and administered by the California Department of Education for California school districts and COEs.

Districts/COEs that choose to take part in the breakfast program receive cash subsidies from the USDA for each meal they serve. In return, they must serve breakfasts that meet federal requirements and must offer free or reduced-price breakfasts to eligible children. Children from families with incomes at or below 130 percent of the federal poverty level are eligible for free meals. Children from families with incomes between 130 percent and 185 percent of the poverty level are eligible for reduced-price meals.

## Return on investment

Particularly during these budget-conscious times, school boards need to examine the fiscal implications of any policy decision. Districts/COEs that choose to implement the School Breakfast Program receive a federal reimbursement for every breakfast served. The amount of federal reimbursement provided for each breakfast depends on the household income of the student. Districts/COEs also receive a state reimbursement for breakfasts served to low-income students. In addition, competitive grants may be available through the California Department of Education for expanding breakfast programs.<sup>12</sup>

Such an investment can pay off even if there are start-up costs associated with implementing the program. Across California, if participation in the School Breakfast Program equaled participation in the National School Lunch Program among low-income students, districts/COEs would have received an additional \$300 million in federal meal reimbursements during the 2008-09 school year.<sup>13</sup> Increasing participation in the School Breakfast Program increases the number of per-meal reimbursements, which can create a self-sustaining program that could provide an even greater ability to procure, store, prepare and serve nutritious foods that may have been previously cost-prohibitive, such as additional servings of fresh produce.<sup>14</sup>

One consideration for districts/COEs in investing in the implementation of the School Breakfast Program is that increased participation does not necessarily mean increased direct costs, such as labor and equipment. In fact,

increasing participation in the School Breakfast Program can decrease the per-meal costs. With an increase in the per-meal profit margin, school nutrition programs often become more financially secure and self-sustaining with revenue from federal and state meal reimbursements.

## School breakfast program models

There are a variety of ways that districts/COEs can provide students with access to school breakfasts, taking into consideration financial impacts, facilities issues and how students will obtain the food. While most schools that participate in the School Breakfast Program provide the meal service in the cafeteria before the start of the school day, it has been found that the sites with the largest return on investment and largest percentage of participants are those where students are served when and where they are able and willing to eat. When staff implements the School Breakfast Program, they might consider two alternative models that attempt to address the considerations of increased participation and effective return on investment:

- The Classroom Breakfast model often increases school breakfast participation to nearly 100 percent. With this model, breakfast is served, eaten and cleared during the first 10-15 minutes of class while teachers conduct administrative activities or begin the day's lessons.<sup>15</sup>
- With the Second Chance Breakfast model, a school breakfast is offered during morning recess or snack/brunch break. 2CB is effective for serving students who, due to family schedules or transportation issues, are not able to eat in the morning before school begins. 2CB is also effective for students who are not hungry first thing in the morning, but do get hungry before lunch.<sup>16</sup>

## Role of the governing board

Districts/COEs have a responsibility to ensure that all students have the opportunity to learn. The governing board, working closely with the superintendent, can promote an environment where students are well nourished and ready to achieve academically. The board can do this through each of its major responsibilities:

### 1. Setting direction for the community's schools

As the board establishes a long-term vision, goals and priorities, it should consider the potential positive impacts that implementing the School Breakfast Program could have in providing a school environment where students are well nourished and therefore more likely to attend class, be engaged, learn and achieve academically.



## 2. Establishing an effective structure for the district/COE through policy and other decisions

It is recommended that the board adopt policies that address nutrition and school breakfast. CSBA provides a sample board policy and administrative regulation, BP/AR 3550 – Food Service/Child Nutrition Program, which address the School Breakfast Program, National School Lunch Program and other federally reimbursable meal programs. Other policies and administrative regulations address related concepts and should be aligned, such as BP/AR 3553 – Free and Reduced Price Meals, BP 5030 – Student Wellness, and BP/AR 3554 – Other Food Sales.

## 3. Providing support to the superintendent and staff as they carry out the board's direction

When the policies that impact food service are aligned and adopted, it is important that staff appropriately implement the policies to ensure that the goals and strategies identified by the board for increasing student participation in the School Breakfast and Lunch Programs are put into place. The superintendent and staff should develop procedures and plans for implementing the programs based on the needs of each school site, including the capacity of school facilities and the grade levels of the students at the site. The board can support these efforts by continually demonstrating its commitment to student health, upholding its adopted policies and ensuring that budget and other board decisions support the agreed-upon goals for student nutrition.

## 4. Ensuring accountability to the public

The board has a responsibility to monitor and evaluate the effectiveness of efforts to improve student nutrition and to increase participation in the School Breakfast and Lunch Programs. The board and superintendent should agree on the data that will be collected (e.g., percentage of eligible students being served by the programs, fiscal impact of participation in federal school meals programs, compliance with federal and state nutritional standards, linkages between student achievement data and meal program participation) and how often such data will be reported to the board. The data should be used to recommend policy revisions, if necessary.

## 5. Acting as community leaders

The governance team should work with parents, staff, community-based organizations (e.g., food banks), local health agencies and health care providers, and other stakeholders in efforts that promote a culture of wellness for all students. Such stakeholders might be involved in developing goals, policies or specific strategies related to nutrition and to the School Breakfast Program.

## Questions to consider

As the governance team discusses and determines how to best ensure that all students have access to a nutritious breakfast, it might consider the following questions:

- What are the current participation rates in the National School Lunch Program and School Breakfast Program, by school site and across the district/COE? What percentage of students who are eligible for free and reduced-price meals participate in these programs? Are any student populations underserved?
- What barriers currently exist to the successful implementation of the School Breakfast Program? Are there policy directives that the board can take to ensure that students have the opportunity to eat breakfast, without stigma and with the fewest disruptions to the school day?
- How will the superintendent and staff ensure that the implementation of the School Breakfast Program is appropriate for each school site and grade level? Does the process allow for consideration of logistical concerns such as lost instructional time or the removal of additional trash?
- Does the facilities master plan ensure that long-range planning considers the needs of any model of School Breakfast Program that the district/COE chooses to implement?
- Has a cost-benefit analysis been provided to help the board and the public understand the financial implications of implementing the School Breakfast Program?
- How can the board best engage the staff and other stakeholders to ensure the successful implementation of the School Breakfast Program?

## Case studies

### Central Unified School District—Universally Free Grab 'n Go Breakfast

Central Unified School District in Fresno County has two high schools, two junior high schools, 13 elementary schools and two continuation high schools. District enrollment is 14,500 with 64 percent of students eligible for free and reduced-price meals.

In 2009-10, the district began implementing a “universally free” Grab 'n Go breakfast model. Previously, breakfast had been served only at one time and place—in the cafeteria before school. Participation in school breakfast was low throughout the district. Students, particularly high school students, were not visiting the cafeteria for breakfast.

The majority of students who did participate in the district’s conventional breakfast program were eligible for free and reduced-priced school meals. This made the breakfast program a good fit for Provision 2, an option of the federal School Breakfast Program which allows schools to serve breakfast at no charge to any student who wants it that day, regardless of their household income. With this model, breakfast service carts are stationed at school entrances where students regularly pass through on the way to class. Because the district adopted Provision 2, nutrition services staff only have to keep count of the total meals served from each cart.

Start-up costs (e.g., purchasing milk chests, freezers, signage and service carts) were funded by a California Department of Education breakfast expansion grant. To support the new model, nutrition services staffing was rearranged throughout the district, resulting in only a two-hour labor increase districtwide. A number of strategies were employed to promote the new model, including fliers, onsite signage, newspaper articles and Connect-Ed (telephone) messages.

With the universally free Grab 'n Go, school breakfast participation increased across the district. The most dramatic increase occurred at the high schools, one of which went from serving 155 breakfasts per day to 800–1,000 breakfasts per day. The first year that the new model was implemented, the districtwide increase in breakfast participation generated an additional \$454,000 in meal reimbursements.

Because the Grab 'n Go model serves students at multiple locations on each campus, waste management was a concern. The custodial staff does spend some part of the work day removing trash generated by the breakfast

program. To help mitigate this impact, the Nutrition Services Department procured, free of charge, used barrels from a vendor. The Maintenance Department removed the tops of these barrels so they could serve as additional trash receptacles.

Principals and parents praise the breakfast program for creating a welcoming environment. School nurses confirm a significant decrease in the number of students leaving class due to stomachaches and headaches. Ten of the district’s 13 elementary schools and both junior high schools also experienced double-digit growth in their API scores following implementation of universally free Grab 'n Go breakfast.

As a result of weather conditions during the winter of the 2010-11 school year, breakfast service was returned to many of Central Unified’s school cafeterias. Despite that shift in location, from January through May 2011, the district served nearly 47,000 more school breakfasts than during the same period the prior year. Moreover, from January through May 2011, the district’s school breakfast participation generated \$61,000 more in federal meal reimbursements than it had during the same period in 2010. The addition of music in the secondary schools’ dining areas and increased choices, including extra fruit and yogurt, reportedly contributed to the boost in 2010-11 school breakfast participation. The success of Central Unified’s school breakfast program has been because of many of these factors, but the “universally free” aspect has created a culture where breakfast is now recognized as an important part of every student’s school day.

### Hawthorne School District—Classroom Breakfast

Hawthorne School District in Los Angeles County is home to eight elementary schools, three middle schools, and one academy high school. In 2002, the district’s Food Services Department was operating at a fiscal loss. Only 30 percent of students participated in the School Breakfast Program, though approximately 80 percent of students were eligible for free or reduced-price meals.

The Food Services team identified universally free Classroom Breakfast as a strategy to increase breakfast participation and revenue for the district. A cost-benefit analysis showed that Classroom Breakfast would be a fiscal benefit to the district. The Food Services Department shared this analysis, as well as information about the student health and academic benefits of breakfast with the board, administrators, principals, teachers, custodial staff and parents. This effort secured approval for the Classroom Breakfast model.

The Food Services Department received a state breakfast expansion grant to help fund the start-up costs of new equipment required for Classroom Breakfast. The Food Services team developed a comprehensive training manual for all personnel that would be involved with the program. Teachers, food services staff, custodians and students were trained on the operation of Classroom Breakfast, how it would affect their daily tasks and how to implement best practices. Teachers were also invited to enjoy a free breakfast each day with their students. The district provides hot breakfasts twice a week and cold breakfast on the other days, serving items such as whole grain bagels, muffins, egg and cheese burritos, and quesadillas.

Following implementation of Classroom Breakfast, participation rose very quickly to 90 percent of total students. This increase in participation generates \$7,500 per day in additional revenue. The Food Services Department now operates in the black and no longer infringes on the district's general fund.

The Food Services Department committed a period of over two years to refine the program districtwide and gain full acceptance from all stakeholders. Teachers report a high level of satisfaction with the program, noting that students are better behaved and no longer ask to visit the school nurse with stomachaches before lunch. District students and schools continue to benefit from the Classroom Breakfast model.

### **Compton Unified School District—Classroom Breakfast**

On September 22, 2010, Compton Unified School District launched its first Classroom Breakfast program at Rosecrans Elementary School. Since then, the model has been implemented at three additional sites with plans to have all Compton USD elementary schools offering Classroom Breakfast. The Student Nutrition Services team has worked to engage all stakeholders and sufficiently prepare all teachers, other staff, students and parents for a successful transition to Classroom Breakfast.

Compton USD offers breakfast free of charge to all students through the Provision 2 option. Classroom Breakfast is dramatically increasing School Breakfast Program participation. According to the accounting director for the district, revenues generated by Classroom Breakfast will offset costs in one year, if not earlier. In addition to these positive fiscal outcomes, teachers report that students are showing improved behavior and focus during instructional time.

### **Percentage of Compton USD Participating in School Breakfast Programs**

	<b>With Conventional Breakfast</b>	<b>With Classroom Breakfast</b>
Rosecrans ES	20%	76%
Bursch ES	32%	87%
Willard ESS	35%	81%
Foster ES	19%	75%

### **Sanger Unified School District—Classroom Breakfast and Mid-morning Nutrition Break**

Sanger Unified School District in Fresno County utilizes several different breakfast models, including Classroom Breakfast (in six elementary schools as of fall 2011) and breakfast during mid-morning nutrition break, to meet the needs of its 18 schools. One K-8 campus, Quail Lake Environmental Charter School, serves breakfast from the cafeteria during a mid-morning nutrition break that coincides with recess. Less than 30 percent of the students on this campus qualify for free or reduced-price school meals. Approximately 10 percent of students participated when breakfast was served in the cafeteria before the start of school. With the nutrition break model, more than 30 percent of all students are served each day.

Sanger High School also employs the mid-morning nutrition break model to serve breakfast. Approximately 75 percent of the students enrolled at this campus are eligible for free or reduced-price meals. With the mid-morning breakfast, 80 percent of all the students on campus participate in breakfast each day.

Sanger USD's innovative breakfast programs are fiscally sustainable and have significantly increased revenue for the district. Principal support has been a key factor in the success of the district's breakfast programs. Sanger's site administrators utilize the school breakfast programs to ensure that their students are well nourished and ready to achieve each day, especially during testing periods.

Parents stay actively engaged in the district's breakfast program through a Nutrition Committee that was established in 2009. The committee is a forum through which parents can provide feedback to the Child Nutrition staff and spread the word about the district's nutrition programs. With support from stakeholders across the district, Sanger USD has increased breakfast participation, generated revenue, supported student health, and bolstered academic achievement through a variety of innovative breakfast service models.

## Resources

### CSBA

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

### BreakfastFirst Campaign

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

### California Department of Education, Nutrition Services Division

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

### California Food Policy Advocates

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

### California Healthy Kids Resource Center

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

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

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

### U.S. Department of Agriculture, School Breakfast Program

[www.fns.usda.gov/cnd/breakfast](http://www.fns.usda.gov/cnd/breakfast)

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# Policy Brief

## Providing Access to Nutritious Meals During Summer

### Background

Without access to healthy meals that combat hunger, children are not attentive and ready to learn. Socioeconomically disadvantaged children in California are eligible to receive at least one nutritious meal a day during the school year. But when school is not in session during the summer, many of these children will not have access to these meals.

In 2008–09, more than half of the student population in California public schools was enrolled in the state's free and reduced-priced meal programs. Even more children are expected to enroll as California's economic crisis continues, meaning that even more children will be in need of healthy, free meals. The number of families applying for assistance to afford food is increasing and lines at food banks are growing longer. In fact, 17 percent of low-income families with children experience "very low food security," which is defined by the United States Department of Agriculture (USDA) as occurring when the food intake of household members is reduced and their normal eating patterns are disrupted because the household lacks money and other resources for food.

While state law requires summer schools to offer meals, budget cutbacks at the state level have limited the number of districts offering summer school. In July 2008, more than 500,000 low-income children ate lunch at free summer nutrition programs. Eighty-five percent of those children got meals from summer school programs that will not be open this summer. With the decrease in school-based summer food sites, there is additional impetus for new community sites to serve the summer nutrition needs of children. The Summer Food Service Program (SFSP) and Seamless Summer Feeding Option (SSFO) helps children get the nutrition they need to learn, play and grow throughout the summer months when they are out of school. As a result, summer food programs that operate through partnerships and outside school grounds have been increasing.

Local school districts and county offices of education can help to promote these summer food programs that fill the gap for healthy, free summer meals for children. School districts and county offices of education (COEs) can partner with community advocates and organizations, food banks, and other government agencies to provide access to summer meal programs that prevent hunger while promoting nutrition and obesity prevention.

### Program Overview

The USDA's SFSP helps children get the nutrition they need to learn, play and grow throughout the summer months when they are out of school. Children who are eligible to receive free or reduced-price meals during the school year through the National School Lunch and School Breakfast Programs are not always aware of the SFSP. While millions of children depend on nutritious free and reduced-price meals and snacks during the school year, only a small percentage receive the free meals provided by the SFSP during the summer months.

The SFSP operates when school is not in session for 15 days or more. The SFSP allows a local sponsor to combine a feeding program with a summer activity program. The program sponsor can be a school district, a public agency or a nonprofit organization in the community. Summer meals can be served not just at summer schools, but also at municipal parks and recreation centers, community centers, Boys and Girls Clubs, churches, day camps, residential summer camps, housing projects, migrant centers or on Indian reservations. To determine a site's eligibility, 50 percent of the children enrolled in the nearest school must qualify for free and reduced-price meals. Census tract information must show that 50 percent of the children living in the area are low-income. SFSP sponsors receive payment from the federal government for serving healthy meals and snacks to children and teenagers, 18 years and younger, at approved sites in low-income areas.

The summer meal sites must serve meals that include milk, fruits, vegetables or juice; grain products; and meat or meat alternate. The program allows sites to serve each day: two meals, a meal and a snack, or if at a camp, three meals a day. A sponsor may prepare its own meals, purchase meals through an agreement with an area school, or contract for meals with another vendor.

The SSFO is a program that encourages more districts and COEs to provide meals in low income areas during summer and certain other school vacation periods. The SSFO reduces paperwork and administrative burdens by continuing the same meal service rules and claiming procedures used during the regular school year. This option makes it easier for sponsors to feed children in low-income areas during traditional summer vacation periods and during school vacation periods of longer than 10 days for year-round schools.

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## Case Study

### San Diego Unified School District (SDUSD)

In 2004, SDUSD became a sponsor of the Summer Food Service Program with 16 park locations and served 11,000 meals. By 2009, the district had 67 SFSP sites, including 44 schools and 23 recreation centers, serving 250,000 meals and snacks. Key components to the successful growth of this program include advance planning and collaboration. The summer lunch program planning process starts early in the year, with meetings of the SDUSD Food Services department. The district also works with the City of San Diego Park & Recreation department to estimate participation levels, project staffing requirements, and anticipate summer school locations. During this planning phase, menus are also developed for the summer food program, with slightly different offerings served at school locations than at park locations, even though all menus follow USDA guidelines. It is anticipated that hot food will be added to the menu offerings in 2010.

Marketing of the SDUSD Summer Food Service Program has also been critical to its growth. Program publicity occurs through multiple mediums, including banner signs at all participating locations, fliers, posters, announcements on school marquees and newsletters, and through dissemination by partner organizations. These organizations include the City of San Diego Park & Recreation Department, Hunger Coalition, Network for a Healthy California, The Food Bank, SAY San Diego, County of San Diego Department of Health and Human Services - Nutrition Services Division, the Mexican Consulate, and San Diego Gas & Electric. Fliers are sent to local libraries; participating recreation centers; Women, Infants, and Children (WIC)

offices; and local daycare centers. The information is also shared with various councils of churches, community health clinics, news media and to other groups that request it. Additionally, the superintendent of the SDUSD sends an automated telephone message to families inviting their participation in the SFSP. The impact of this comprehensive marketing effort involving community partnerships has been significant to the success of the program.

The SFSP in the SDUSD would not exist without community involvement. Program volunteers help oversee sites, serve prepared food, deliver meals, and organize and implement activities. Volunteers include the parents of district students, service clubs, faith-based organizations and community groups, corporations and businesses, youth groups, students from high schools and colleges, Girl Scouts, Boy Scouts, 4-H, teachers on summer break, government and municipal agencies and AmeriCorps.

Each year, the goal of the program has been to spread information about the SFSP to as many groups, community members, and organizations as possible through presentations, fliers and the media in hopes of encouraging additional participation. Educating all stakeholders, including staff, management, site leaders, and volunteers about the importance of this program to children, families and the community as a whole has also contributed to its success.

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## Board Considerations

School districts and COEs can be active partners with other stakeholders in the community to ensure that children who depend upon these federally funded meals will have access to food in the summer. Whether a school district or COE becomes the sponsor of a summer food site, acts as a vendor supplying the food to another sponsor, or works to publicize and support a summer food program being provided by another sponsor, it can help to ensure that children obtain federally funded summer meals. Districts and COEs are uniquely positioned to communicate with children and their families about where to find these lunch sites.

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## Key Questions

- Have the summer food needs of children within the community been identified and discussed? How can the district or COE, even when constrained by budget cutbacks that limit summer school offerings, partner with local community organizations and food banks to ensure that adequate summer food programs are being offered to all children in the community?

- Do board decisions about summer school offerings, site selection and budgeting include a discussion of food service needs?
- If summer food programs are in place, is the district or COE helping to build participation in these programs by providing information about summer food sites and increasing outreach to parents and children?
- Has the district or COE convened food service staff, city parks and recreation staff, food banks, community health advocates, and other stakeholders to identify gaps in summer food site availability and marketing?
- Has the district or COE weighed the costs and benefits associated with acting as a sponsor of federally reimbursed SFSP meals for children?

## The Board's Role

- **Set direction:** Develop an understanding among the board, district/COE staff and the community regarding the link between healthy eating and student achievement, at all times of the year, including summer.
- **Establish structure:** Adopt and align policies to address the needs of the Summer Food Service Program.
- **Provide support:** Ensure the district/COE explores cost-effective methods and collaborations to ensure that children in the community have adequate access to summer food programs.
- **Ensure accountability:** Monitor implementation of summer food policies and ensure that reports are provided to the board by district/COE food service personnel or summer food program sponsors who serve the children within the district.
- **Engage the community:** Cultivate strong partnerships among the district/COE and city parks and recreation staff, food banks, community health advocates, and other stakeholders to ensure that parents and children are aware of summer food sites and utilize the resources being provided.

## Resources

**California School Boards Association:** Provides sample board policies, policy briefs, publications and other resources on a variety of topics related to nutrition and student wellness, including sample board policy and administrative regulation 3552 – Summer Meal Program. See [www.csba.org](http://www.csba.org)

**California Department of Education Nutrition Division:** Provides resources and information related to child nutrition, nutrition education, food distribution programs, and the Child Nutrition and Physical Activity Advisory Council. See [www.cde.ca.gov/ls/nu/sf/](http://www.cde.ca.gov/ls/nu/sf/)

**The Network for a Healthy California:** Represents a statewide movement of local, state and national partners collectively working toward improving the health status of low-income Californians through increased fruit and vegetable consumption and daily physical activity. See [www.healthylausd.net/Teachers/Summer\\_Food\\_Service\\_Program.aspx](http://www.healthylausd.net/Teachers/Summer_Food_Service_Program.aspx)

**California Center for Research on Women and Families:** Publishes policy primers to educate policymakers, program providers, and the general public about policy issues in California. CCRWF is a program of the Public Health Institute and led the creation of the Summer Meals Program Coalition. See [www.ccrwf.org/tag/summer-meals/](http://www.ccrwf.org/tag/summer-meals/)

**US Department of Agriculture:** Is responsible for developing and executing federal policy on farming, agriculture, and food. Its mission includes assuring food safety, protecting natural resources, fostering rural communities and ending hunger in the United States and abroad. See [www.summerfood.usda.gov/states/meal\\_service.html](http://www.summerfood.usda.gov/states/meal_service.html)

**Food Research Action Center:** Is a national nonprofit organization working to improve public policies and public-private partnerships to eradicate hunger and under-nutrition in the United States. See [www.frac.org/CA\\_Guide/summer\\_funding.html#](http://www.frac.org/CA_Guide/summer_funding.html#)

**California Food Policy Advocates:** Is a statewide public policy and advocacy organization dedicated to improving the health and well being of low-income Californians by increasing their access to nutritious and affordable food. "School's Out...Who Ate? A Report on Summer Nutrition in California." See [www.cfpa.net/summerfood/sowa2009.pdf](http://www.cfpa.net/summerfood/sowa2009.pdf)

**California Obesity Prevention Program:** is a Centers for Disease Control and Prevention (CDC) funded program within the California Department of Public Health (CDPH) and the University of California, San Francisco (UCSF) that is working towards the goal of increasing physical activity, improving nutrition, and preventing obesity among all Californians. See <http://cdph.ca.gov/obesityprevention>

This document was developed with support from the California Obesity Prevention Program, California Department of Public Health, a program funded by the Centers for Disease Control and Prevention cooperative agreement 805 state nutrition, physical activity and obesity program.



## **School-based marketing of food and beverages** Policy implications for school boards

As school districts face budgetary constraints and seek ways to enhance their resources, many turn to commercial sources of funding. Advertisements on school buses or scoreboards, use of corporation-sponsored educational materials, sales through vending machines, branded fast food, exclusive contracts with beverage corporations and similar activities provide supplementary cash, products, or services to schools.

Increasingly, however, commercial activities in schools are coming under scrutiny from parents, teachers, advocacy groups, and others. When the product is a food or beverage of minimal nutritional value, school boards have a responsibility to consider the impact of such marketing on student health and well-being, and whether marketing the product presents a message that is inconsistent with the district's nutrition education program.

The California School Boards Association, as part of its partnership with California Project LEAN (Leaders Encouraging Activity and Nutrition) in the Successful Students Through Healthy Food Policies campaign, encourages school boards and superintendents to engage in thoughtful discussions with their communities on the pros and cons of commercial activities and to review related board policies. This policy brief is intended to provide background information for such discussion and to highlight critical policy considerations.

### **Marketing to children and youth**

Companies recognize the tremendous value of marketing to children and youth. Youth have considerable spending power, with estimates varying between \$25 to \$140 billion a year nationally. They also influence \$500 billion of family purchases per year.<sup>1</sup> Perhaps most important to marketers, building brand awareness and brand loyalty among children influences their buying habits in adulthood.

While all children and youth are subject to the persuasive influence of advertising, younger children, especially those under 8 years, appear to be uniquely vulnerable to commercial promotion because they lack the skills to understand the difference between information and advertising.<sup>2</sup> A study of primary school children found that exposure to advertising influenced which foods children claimed to like.<sup>3</sup> Another study showed that labeling and signage on a vending machine had an effect on what was bought by secondary school students.<sup>4</sup>

Thus, it may not be surprising that food and beverage advertisers spend \$10 billion to \$12 billion a year to reach children and youth. Of that, more than \$1 billion is spent on media advertising to children that reaches them primarily through television; more than \$4.5 billion is spent on youth-targeted promotions such as premiums, coupons, sweepstakes, and contests; \$2 billion is spent on youth-targeted public relations; and \$3 billion is spent on packaging designed for children. More than half of television advertisements directed at children promote food and beverages such as candy, fast food, snack foods, soft drinks, and sweetened breakfast cereals that are high in calories and fat, and low in fiber and other essential nutrients.<sup>5</sup>

### **Commercial activities in schools**

Marketing through schools adds credibility to marketing activities by associating the company's name and product with trusted schools or teachers.<sup>6</sup> Commercial dollars constitute a small fraction of the money that goes to



public schools, usually less than one percent.<sup>7</sup> However, in 2000, a U.S. Government Accountability Office report found that commercial activities in schools had increased in visibility in the previous decade.<sup>8</sup>

Commercial activities in schools include:

- product sales through vending machines, exclusive contracts with soft drink companies, branded fast food, and fundraisers
- direct advertising, such as food and beverage advertisements through school publications, scoreboards, and posters
- indirect advertising, such as corporate-sponsored educational programs, sports sponsorships, and incentive programs using contests and coupons
- market research through student surveys, sampling, and taste tests

Most commercial activities occur in high schools (e.g., vending machines, display of corporate advertising), although coupon redemption programs are largely an elementary school enterprise.<sup>9</sup>

### **Product sales: competitive food and beverages**

Food and beverages served or sold outside the school's meal programs represent a significant share of the available foods that students purchase and consume at school: 98.2 percent of senior high schools, 73.9 percent of middle/junior high schools and 43 percent of elementary schools have either a vending machine or a school store, canteen or snack bar where students can purchase food or beverages. Most commonly these include soft drinks, sports drinks, fruit juices that are not 100 percent juice, and salty snacks or baked goods that are not low in fat.<sup>10</sup>

Of all product sales in schools, exclusive soft drink contracts are the fastest growing venture.<sup>11</sup> A national survey<sup>12</sup> found that 71.9 percent of high schools, 50.4 percent of middle/junior high schools, and 38.2 percent of elementary schools have a contract with a company to sell soft drinks. Of those schools with soft drink contracts:

- 91.7 percent receive a specific percentage of soft drink sales receipts
- 37.6 percent allow advertising by the company in the school building

- 27.7 percent allow advertising by the company on school grounds
- 2.2 percent allow advertising by the company on school buses

In a survey of California school board members and superintendents, 32 percent of responding board members and 41 percent of superintendents reported that beverage vendors had an exclusive contract with their district; 48 percent of board members and 64 percent of superintendents reported that vendors had an exclusive contract with *at least one school* in their district.<sup>13</sup> However, in the same survey, a minority of board members (26 percent) and superintendents (44 percent) agreed with the practice of having exclusive beverage vendors. In a followup survey, 22 percent of school board members said they had rejected a soda contract offer in the last three years, and 21 percent said their school board decided not to renew any soda contracts. Furthermore, 13 percent said their school board had decided to terminate any soda contracts.<sup>14</sup>

This same survey reported that a majority of school board members supported banning fast food sales in elementary schools (65 percent) and requiring that at least 50 percent of the food and beverages sold in vending machines meet national nutritional guidelines (81 percent).<sup>15</sup>

Currently, food sales outside the school's meal programs must meet the nutritional standards specified in Education Code 38085. Beginning July 1, 2007, these standards will be replaced by the standards contained in Education Code 49431 for elementary schools and Education Code 49431.2 for middle, junior high and high schools, as amended and added by SB 12 (2005).

Beverage standards are contained in Education Code 49431.5. SB 965 (2005) amended Education Code 49431.5 to modify the list of allowable beverages and to establish standards for high schools which will be phased in between July 1, 2007, and July 1, 2009.

These laws establish conditions under which food or beverages that do not meet the nutritional standards may be sold. In general, these laws provide that sales of such food or beverages (including sales through vending machines, student stores and cafeterias) need to occur off school premises or at least one-half hour after the end of the school day.

## Advertising

Research shows that, among California high schools:<sup>16</sup>

- Nearly 72 percent allow advertising for fast food and beverages on campus, while only 13 percent prohibit such advertising.
- The most common fast food or beverage advertisements are on vending machines (48 percent), scoreboards or signs (31 percent), and posters (23 percent).

Among schools in a national survey:<sup>17</sup>

- 23.3 percent allow promotion of candy, fast foods, and soft drinks through coupons
- 14.3 percent allow promotion of these products through sponsorship of school events
- 7.7 percent allow promotion of these products through school publications
- 24.8 percent prohibit or discourage faculty and staff from using these items as rewards

The large majority of California board members (80 percent) responding to a survey support limiting and monitoring food and soda advertisements in schools, and significant percentages (57 percent) would even go so far as to ban such advertisements.<sup>18</sup>

## Policy issues

California law places some restrictions on certain types of commercial activities in schools, such as exposure to brand names, products, or company logos in instructional materials. In addition, any food sales conducted outside the district's food services program must meet nutritional standards specified in law, as discussed above.

However, school districts have considerable discretion to make decisions regarding many commercial activities. Will the district approve vending machines on some or all campuses, and if so, what restrictions should be placed on the food or beverages sold? Should the district allow or prohibit advertisements on district facilities, equipment and buses? Should these activities be decided on a case-by-case basis depending on the product being promoted, the age of the students being exposed to the advertisement, and other considerations?

As the district's policymakers, the board has a responsibility to determine the extent to which commercial activities will be allowed, as well as the criteria and circumstances under which specific activities will be approved. The superintendent and district staff should establish clear review and approval processes consistent with board policy. These processes need to be clearly communicated to and adhered to by staff. Boards must also ensure their own adherence to established policies when they approve and ratify contracts with corporations.

CSBA provides sample board policies and administrative regulations related to advertising (BP/AR 1325 Advertising and Promotion), competitive food sales (BP/AR 3554 Other Food Sales), and contracts as they pertain to non-nutritious food and beverages (BP 3312 Contracts). However, districts are strongly encouraged to tailor policies to meet local needs and values. Policy development on these issues should be done in close cooperation with the superintendent and provide ample opportunities for input from staff, parents, community members and students.

When reviewing, revising or developing policy related to commercial activities, the board might consider the following questions:

- Do the district's existing policies and regulations permit advertising, product sales, and/or other commercial activities? Do they specify acceptable forms of commercial activity or establish any restrictions? Are commercial advertisements for foods and beverages restricted in any way?
- What is the district's existing process for reviewing and approving specific requests for advertisements or other commercial activities? Has the board established criteria for approval? Who screens proposed ads and other material?
- What criteria and processes are in place to evaluate classroom instructional materials to determine whether such materials endorse specific products or brand names? Are donated materials held to the same standards as other curriculum materials?
- Do commercial activities vary across schools in the district? Is student age/grade a consideration?
- What contractual arrangements are currently in place with corporations/businesses to sell products to students, including agreements to sell soft drinks, fast

foods, or other food/beverages of minimal nutritional value? Do these arrangements conflict with the educational program and/or student well-being?

- Do product sales imply an endorsement of the product by the district? Does the implied endorsement encourage consumption of unhealthy food and/or beverages?
- Do existing school-business partnerships require the district to advertise as a condition for receiving funds, products, materials or equipment?
- What resources are generated by existing arrangements? What percentage of the district's budget consists of private-sector contributions? In what other ways might the district finance its programs?
- What changes will need to be made to comply with new nutritional standards for sales of food and beverages?
- If the board decides to accept advertisements or company logos, what restrictions should be established (e.g., use of logos for identification purposes only)? If the board decides that advertising should not be used in instruction, what reasonable exceptions should be established (e.g., newspapers and magazines)?
- Does the district's curriculum include instruction in media literacy which helps students become critically aware consumers?
- How can the board and staff develop positive relationships with the private sector in a way that supports educational objectives? What can the district offer to private businesses in lieu of advertising aimed at students?
- What are the board's, staff's, and community's values with regard to commercial activities? Are some types of advertisement viewed as acceptable while others are not (e.g., yearbook ads vs. ads on school buses)?
- In developing or revising policy on these issues, what ethical, legal, and educational issues must be addressed? How can the board ensure that students' best interests are the top priority?

## Resources

A comprehensive discussion of policy development pertaining to nutrition and physical activity is presented in the *Healthy Food Policy Resource Guide* published by CSBA and California Project LEAN, 2003, revised 2005. Also see [www.csba.org](http://www.csba.org) and [www.CaliforniaProjectLEAN.org](http://www.CaliforniaProjectLEAN.org).

Further information may be found through the following resources:

Association for Supervision and Curriculum Development, *Supporting Students or Selling Access?*, Infobrief Issue No. 15, November 1998. [www.ascd.org/publications/infobrief/issue15.html](http://www.ascd.org/publications/infobrief/issue15.html).

Campaign for a Commercial-Free Childhood, a national coalition of individuals fighting against marketing to children. [www.commercialexploitation.com](http://www.commercialexploitation.com).

Center for Science in the Public Interest, *Guidelines for Responsible Marketing to Children*, Washington, DC, January 2005.

Commercialism in Education Research Unit, Arizona State University, [www.asu.edu/educ/eps/ceru.htm](http://www.asu.edu/educ/eps/ceru.htm) (formerly Center for the Analysis of Commercialism in Education located at the University of Wisconsin-Milwaukee). Publications include annual reports on schoolhouse commercialism trends.

Consumers Union, *Captive Kids: A Report on Commercial Pressures on Kids at School*, 1998. [www.consumersunion.org](http://www.consumersunion.org).

Public Health Institute, [www.phi.org](http://www.phi.org). Produces a number of related policy briefs in its series *California's Obesity Crisis: Focus on Solutions*.

U.S. Government Accountability Office, *Commercial Activities in Schools: Use of Student Data Is Limited and Additional Dissemination of Guidance Could Help Districts Develop Policies*, August 2004 ([www.gao.gov/new.items/d04810.pdf](http://www.gao.gov/new.items/d04810.pdf)), and *Public Education: Commercial Activities in Schools*, September 2000 ([www.gao.gov/new.items/he00156.pdf](http://www.gao.gov/new.items/he00156.pdf)).

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# Active Bodies, Active Minds

## Physical Activity and Academic Achievement

Fact Sheet | February 2010

With shrinking budgets and increased pressure to improve academic achievement, school governance leaders are facing challenging decisions on behalf of the students in their district/county office of education (COE). A number of studies show that students who spend time in Physical Education or other school-based physical activity increase or maintain their grades and scores on standardized tests even when they receive less classroom time for academic subjects.<sup>1</sup> Schools that offer quality physical activity programs also see increased student concentration and reduced disruptive behavior.<sup>2</sup> Therefore, cost-effective strategies to maximize opportunities for physical activity for all students should be included in decisions aimed to improve student learning and academic achievement.

### Studies show a positive correlation between physical activity and academic performance

- In a review of 14 published studies investigating the link between participation in physical activity and academic performance, 11 studies found that regular participation in physical activity is associated with improved academic performance.<sup>3</sup>

### Student test scores improve after engaging in physical activity

- A study from the University of Illinois found that students performed better on reading comprehension, math and spelling when they had a 20-minute period of physical activity immediately preceding the test.<sup>4</sup>

### Students who are physically active and fit are more likely to perform well in school than their sedentary peers

- A national study found that adolescents who reported engaging in regular physical activity were 20 percent more likely than those who did not engage in regular physical activity to receive an "A" in English or math.<sup>5</sup>

- In a California study, higher achievement was associated with higher levels of fitness for students in grades 5, 7 and 9, and achievement was greater in mathematics than in reading, particularly at higher fitness levels.<sup>6</sup>
- Higher levels of physical fitness are linked with better school attendance and fewer disciplinary problems.<sup>7</sup>

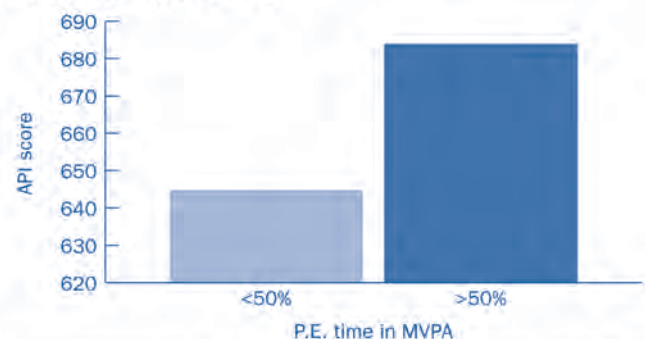
Studies show an increase in academic achievement when additional time is provided for physical activity, even when time is removed from academic instruction

- In one study, a reduction of 240 minutes per week in class time for academics to enable increased physical activity led to higher mathematics scores.<sup>8</sup>
- Research indicates that decreasing the time allotted for P.E. in favor of traditional academic subjects does not lead to improved academic performance and may harm health.<sup>9</sup>

The type of activity matters—students who engage in moderate to vigorous physical activity (MVPA) experience the greatest academic achievement gains

- One review of multiple studies found that MVPA, defined as activity that increases the heart rate, has the greatest positive effect on student performance and academic achievement.<sup>10</sup>

**School Academic Performance Index (API) scores by minutes of MVPA in P.E.**



Source: *Failing Fitness: Physical Activity and Physical Education in Schools*



- MVPA increases the flow of blood to the brain,<sup>11</sup> which can make students more likely to pay attention in class during the school day than students who do not get any physical activity.<sup>12</sup>

#### Activity breaks help students' on-task behavior

- According to seven studies involving elementary school students, regular physical activity breaks during the school day may enhance academic performance, focus and behavior in the classroom.<sup>13</sup>
- A study in North Carolina showed that providing elementary school students with a daily 10-minute physical activity break increased on-task behavior significantly, while a break without physical activity decreased on-task behavior.<sup>14</sup>
- Multiple studies have found that students are more attentive after recess than before.<sup>15</sup>

#### Active transportation enhances academic performance

- Students who walk, bicycle or use other forms of active transportation to school have higher daily levels of physical activity and better cardiovascular fitness than students who do not actively commute to school.<sup>16</sup> Since physical activity primes the brain for learning, students who actively commute to school can arrive more ready to learn.

For more research, see:  
*Active Education: Physical Education, Physical Activity and Academic Performance* (Active Living Research, 2009) [http://activelivingresearch.org/files/Active\\_Ed\\_Summer2009.pdf](http://activelivingresearch.org/files/Active_Ed_Summer2009.pdf)

## THE SCHOOL BOARD'S ROLE

1. **Set direction:** Develop an understanding among the board, district/COE staff and the community of the importance of physical activity and its link to student learning.
2. **Establish structure:** Adopt and align policies and curriculum goals to increase school-based physical activity. (For more information, visit [www.csba.org/PhysicalActivity.aspx](http://www.csba.org/PhysicalActivity.aspx) and see CSBA's sample policy BP/AR 6142.7—Physical Education and Activity.)
3. **Provide support:** Ensure the district/COE explores funding opportunities and cost-effective strategies for increasing physical activity.
4. **Ensure accountability:** Monitor implementation of related policies and schedule regular reports to the board, program partners and the public from the superintendent or designee.
5. **Engage the community:** Cultivate strong partnerships among the district/COE and the community to maximize resources and develop cost-effective solutions for increasing physical activity.

#### Policy resources for increasing school-based physical activity ([www.csba.org/pab.aspx](http://www.csba.org/pab.aspx))

- *Moderate to Vigorous Physical Activity in Physical Education to Increase Health and Academic Outcomes*
- *Maximizing Opportunities for Physical Activity during the School Day*
- *Safe Routes to School: Program and Policy Strategies*
- *Joint Use of Facilities for Physical Activity*
- *Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement*

## FOR FURTHER INFORMATION

### California School Boards Association

www.csba.org

### California Project LEAN

#### (Leaders Encouraging Activity and Nutrition)

www.CaliforniaProjectLEAN.org

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Support for this project was provided by a grant from The California Endowment.



## Physical Education and California Schools

State and federal legislation has made prevention of childhood obesity a priority by creating strong nutrition guidelines and requiring that districts adopt a local school wellness policy. In addition to addressing student nutrition, district wellness policies must include goals for physical activity, with the objectives of promoting student health and reducing childhood obesity. This policy brief describes research showing the benefits of physical activity for student learning, explains the state requirements and standards for P.E., highlights board actions to support P.E. and lists additional resources board members and others might find useful.

### Implications of physical activity for academic achievement

The *Journal of Sports and Exercise Physiology*, in an analysis of nearly 200 studies that evaluated the interaction between physical activity and behavior, found evidence that regular physical activity supports learning.<sup>1</sup> A California study likewise found that: (1) California schools with more active students experienced higher subsequent gains in SAT-9 test scores than schools with a high percentage of students who did not participate in regular physical activity; (2) higher achievement was associated with higher levels of fitness at each of three grade levels measured; and (3) physical activity had beneficial consequences for academic progress in both low- and high-performing schools, regardless of location or socioeconomic status.<sup>2</sup>

A review of the literature in the *Journal of School Health* found no significant evidence to suggest that daily P.E. detracts from academic success even though P.E. may cut into academic class time.<sup>3</sup> Schools offering intense physical activity programs have seen positive effects on test scores in mathematics, reading and writing, in addition to less disruptive classroom behavior.<sup>4</sup>

While none of these studies claimed that increased physical activity directly causes improved academic performance or classroom behavior, each does support the idea that a balanced education that includes regular physical activity is correlated with positive student outcomes.

Healthy People 2010 recommends that 50 percent of P.E. instruction in grades 9-12 should be spent in moderate to

vigorous activity.<sup>5</sup> The California Endowment supports the idea that the *level of activity* in P.E., not total P.E. time, is linked to student fitness.<sup>6</sup> However, its study of 77 California schools found that most time during P.E. classes is spent being sedentary. On average, only four minutes of every half hour involves vigorous activity. The situation was reported to be particularly severe in elementary schools and schools in disadvantaged communities.

Recently, evidence of the connection between physical activity and academic achievement led the American Academy of Pediatrics to issue a policy statement regarding the need for the “expansion of school physical education, dissuading children from pursuing sedentary activities, providing suitable role models for physical activity and making activity-promoting changes in the environment.”<sup>7</sup>

### California physical education requirements

#### Instructional minutes

Education Code 51210 states that each school district maintaining an elementary school composed of any of grades 1-6 must provide students at least 200 minutes of P.E. instruction for every 10 school days, not including recesses and the lunch period. Pursuant to Education Code 51223, elementary school districts maintaining grades 1-8 must provide instruction in P.E. for students in grades 7-8 that matches the requirement for other elementary schools of not less than 200 minutes each 10 school days.

For students in grades 7-12, Education Code 51222 requires 400 minutes of P.E. every 10 school days. In addition, unless they receive an exemption as described below, all students are required to complete two years of physical education courses between grades 9-12 in order to graduate from high school (Education Code 51225.3).

#### Content standards and curriculum

In 2004, Superintendent of Public Instruction Jack O’Connell appointed a committee of P.E. teachers and experts to create model P.E. content standards for students



in grades K-12 throughout California. These standards outline the essential knowledge and skills that students should have and be able to demonstrate at each grade level. The State Board of Education (SBE) adopted the standards in January 2005.

The state's curriculum framework for P.E. was last adopted in 1994 and is scheduled to be revised in fall 2008. The standards and supporting materials are intended to assist in the establishment of specific goals and objectives for P.E. at every grade level.

The framework is focused on helping students achieve three major goals throughout the K-12 curriculum: (1) movement skills and movement knowledge, (2) self-image and personal development, and (3) social development. Disciplines, skill areas and content areas that support the achievement of the goals are detailed in the framework. For the high school program, the content areas are also reflected in 5 CCR 10060.

### Physical fitness testing

Education Code 60800 requires districts to annually administer the physical fitness test designated by the SBE to students in grades 5, 7 and 9. The SBE has designated the FITNESSGRAM® as the required test.

The FITNESSGRAM® is administered by district employees between February 1 and May 31 in accordance with instructions from the test developer and 5 CCR 1040-1048. Students with disabilities must be administered as much of the test as their physical condition will permit, as specified in their individualized education program (IEP) or Section 504 accommodation plan. State regulations specify certain test variations and accommodations that may be provided to all students, students with disabilities and English learners.

The FITNESSGRAM® measures six fitness areas: aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, upper body strength and endurance, and flexibility. Some areas have more than one test option (e.g., upper body strength and endurance may be measured by push-ups, modified pull-ups or the flexed-arm hang). The California Department of Education (CDE) clarifies that it is not necessary for all students within a school or district to use the same test option. The teacher or the student may select which test option will be used for each fitness area. Only one test option for each fitness area will be reported.

Performance on each fitness area is classified as being in the "Healthy Fitness Zone" or as "needs improvement." The standards differ by age, and also by gender where there is a valid rationale from a health-related perspective.

Student performance is scored by district employees and the scores must be provided to individual students as they complete the testing. Test results are submitted to the state's physical fitness test contractor (now Educational Data Systems) by June 30 each year. Results of the physical fitness testing also must be included in the annual school accountability report card.

Results from the statewide physical fitness test in 2006 show that the majority of students in grades 5, 7 and 9 (52.0, 55.7 and 53.8 percent, respectively) performed in the Healthy Fitness Zone for five or six of the six areas measured, and nearly three-quarters (72.6, 74.9 and 73.2 percent, respectively, for grades 5, 7 and 9) performed in the Healthy Fitness Zone for four or more areas.<sup>8</sup>

### Exemptions from physical education

There are three types of student exemptions from P.E. courses — temporary, two-year and permanent — which the district may, but is not required to, grant under the circumstances specified in Education Code 51241.

Temporary exemptions are authorized for students who are (1) ill or injured when a modified program to meet their needs cannot be provided or (2) enrolled for one-half time or less.

Two-year exemptions are authorized at any time during grades 10-12. Effective July 1, 2007, Education Code 51241 added a new requirement *applicable to the two-year exemption only*. Before a district can grant the two-year exemption to a student in grades 10-12, the student must have passed the state's physical fitness test (the FITNESSGRAM®) in grade 9 (or in any of grades 10-12 if the district offers the test during those grades to students who need it for purposes of the exemption). SB 601 (Torlakson, 2007) amended Education Code 51241, effective January 1, 2008, to define "passage" as satisfactorily meeting any five of the six standards of the state's physical fitness test (e.g., by performing in the Healthy Fitness Zone on five standards).

Permanent exemptions are authorized for students who are (1) age 16 years or older who have been enrolled in grade 10 for one or more academic years; (2) enrolled as postgraduate students; or (3) enrolled in a juvenile home, ranch, camp or forestry camp school with scheduled recreation and exercise.

Boards may determine whether or not to allow any category of exemption and the circumstances under which the exemption may be granted, consistent with law.

## Categorical program monitoring of PE requirements

The CDE monitors districts' compliance with state law through the Categorical Program Monitoring (CPM) process. The CDE selects 25 percent of the school districts for on-site monitoring each year; thus, each district participates in on-site review approximately once every four years.

SB 601 amended Education Code 33352 to significantly expand the CPM process with respect to P.E. requirements. Education Code 33352 requires the CDE to review districts' compliance with requirements related to the minimum number of instructional minutes in P.E., physical fitness testing, inclusion of physical fitness test results in the school accountability report card, the offering of elective P.E. courses to students exempted from P.E. under Education Code 51241(b)(1) or (c)(1), components of the district's P.E. program for grades 9-12, equal opportunities for participation in P.E. regardless of gender, and possession of appropriate credentials by P.E. teachers.

Any school district found to be in noncompliance must develop a proposed resolution plan with the CDE and will be required to undergo an on-site review the following year.

## The struggle to meet state mandates

The California Center for Public Health Advocacy (CCPHA) recently reviewed data collected from the CDE's compliance review records for P.E. instructional minutes provided in schools throughout the state over a two-year period.<sup>9</sup> This review found that at least 51 percent of districts were not in compliance with the mandated minutes of P.E. for elementary schools. CCPHA found the lack of compliance to be consistent across the state, regardless of districts' economic status or location.

In a California study focused on physical activity among adolescents, more than 15 percent of teens reported that their school either does not require or offer P.E. classes.<sup>10</sup>

## The board's role

Rigorous academic requirements and school accountability measures make district compliance with the P.E. mandates increasingly difficult and school boards and superintendents are faced with the challenge of finding ways to deliver quality P.E. programs to students. Boards play an important role in encouraging and facilitating physical activity in district schools. They provide community leadership and serve as advocates for children by working collectively to make decisions that

will best serve all the students in the community. Boards will help ensure that students receive a well-rounded education by encouraging community support of P.E. programs that meet state requirements.

School boards can help ensure that all students have access to a high-quality, comprehensive and developmentally appropriate P.E. programs on a regular basis through the following actions:

### Setting the direction for the community's schools

It is the responsibility of the board, working with staff and the community, to set a vision for the district's schools that drives the district's programs. In establishing a district vision that is focused on student learning and ensuring that more specific goals are aligned to this vision, the board has an opportunity to emphasize the importance of student health, including physical activity. The board can:

- Make P.E. a priority at all grade levels and educate community members on the importance of P.E. for young people.
- In accordance with federal law, adopt a wellness policy that clearly states goals for physical activity to ensure that educators, administrators, the board and community members understand the purpose and importance of physical activity.
- Adopt California's P.E. model content standards to ensure all schools within the district and state are striving to reach the same academic objectives.
- Establish curricular goals that encourage an increased level of physical activity in P.E. classes, with a target goal of at least 50 percent of student instructional time spent in moderate to vigorous activity.

### Establishing an effective and efficient structure for the district

The board must ensure that the district has the resources and other structures necessary to implement a high-quality P.E. program. Some suggestions include:

- Allocate funding and other resources to adequately staff and equip P.E. programs so that all students meet at least the minimum requirements for P.E.
- Support P.E. teachers by offering annual professional development opportunities that address activity-related skills and teaching ability. Various funding opportunities may be available for P.E. teachers. Districts may check with the CDE and the National Association for Sport and Physical Education for more information.

- Adopt policies on P.E. that describe the board's expectations for the P.E. program and/or other opportunities for physical activity before, during and after school. CSBA and California Project LEAN (Leaders Encouraging Activity and Nutrition) developed a resource guide entitled *Successful Students Through Healthy Food and Fitness Policies* to provide direction for development of physical activity policies. Available at [www.csba.org](http://www.csba.org), the guide also contains a worksheet to facilitate board discussions of relevant policy issues.
- Minimize exemptions allowed for participating in P.E. classes and provide alternative activities for students with disabilities or who are otherwise unable to participate.

### Providing support

Although the board does not implement policies or programs, the board may support the superintendent's and staff's implementation of the P.E. program through the decisions it makes in a variety of areas. For instance, the board can:

- Align the district's P.E. policy with other efforts to promote student health and wellness.
- Ensure that the board's decisions regarding other curricula and instruction allow sufficient time for schools to provide P.E.
- Encourage board members, administrators and educators to serve as role models by engaging in physical activity.

### Ensuring accountability to the public

The board must monitor the district's progress in achieving its goals for educational programs, including the P.E. program. The board should:

- Ensure that all P.E. instructional minutes are correctly documented. These minutes only include instructional time and do not include recess, before- or after-school programs or free play.
- Ensure that school accountability report cards include physical fitness test results in accordance with law.
- Review results of the state's CPM process pertaining to the district's compliance with state P.E. requirements.
- Schedule regular reports from the superintendent or his/her designee to the board regarding the P.E.

program, including the amount of time devoted to P.E. instruction at each grade level, the results of the annual physical fitness testing for each school and applicable grade level, the number of two-year and permanent exemptions granted, and any other data agreed upon by the board and the superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity.

### Acting as community leaders

Multiple opportunities exist to increase physical activity opportunities for students throughout the community. Suggestions include:

- Connect with parks and recreation departments and city and county officials to assess the adequacy of physical activity opportunities for youth throughout the community.
- Participate in joint-use agreements with community agencies and organizations in order to support P.E. programs.
- Communicate with students, parents, staff and the community about the district's priority on student wellness in order to build support for physical activity programs.
- Participate in the California Superintendents' Challenge, a challenge by the Superintendent of Public Instruction to all school districts across the state to improve the health of all their students through the development and implementation of policies that promote proper nutrition and regular physical activity. The challenge provides awards to exemplary districts that demonstrate success in supporting student health.

## Resources

### CSBA

CSBA sample policies and administrative regulations related to physical activity include BP/AR 6142.7 - Physical Education, BP 5030 - Student Wellness and BP/AR 6145.2 - Athletic Competition. CSBA also offers a variety of publications on topics related to student wellness, including *Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide* and *Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide*. [www.csba.org](http://www.csba.org)

### Action for Healthy Kids

Provides a variety of resources and tools to aid districts and schools in building quality educational programs. [www.actionforhealthykids.org](http://www.actionforhealthykids.org)

### California Department of Education

Provides information about state requirements, including requirements pertaining to the state's physical fitness test. [www.cde.ca.gov/ta/tg/pf](http://www.cde.ca.gov/ta/tg/pf)

### Centers for Disease Control and Prevention

*Guidelines for School and Community Programs to Promote Lifelong Physical Activity Among Young People* provides guidelines and recommendations for policies that promote enjoyable, lifelong physical activity. This report also includes information regarding P.E. curriculum and instruction. [www.cdc.gov/mmwr/preview/mmwrhtml/00046823.htm](http://www.cdc.gov/mmwr/preview/mmwrhtml/00046823.htm)

The *Physical Activity Evaluation Handbook* outlines six basic steps of evaluating physical activity programs for state and local agencies and community organizations and illustrates each step with program examples. Appendices provide information about physical activity indicators, practical case studies and additional evaluation resources. [www.cdc.gov/nccdphp/dnpa/physical/handbook/index.htm](http://www.cdc.gov/nccdphp/dnpa/physical/handbook/index.htm)

### National Association for Sport and Physical Education

NASPE offers workshops, conferences and professional development opportunities for teachers, as well as training tools and services to aid in the development of quality P.E. programs. [www.aahperd.org/NASPE](http://www.aahperd.org/NASPE)

### Surgeon General

The *Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity* outlines strategies that communities can use in helping to address the health problems associated with obesity, including requiring P.E. at all grade levels, providing more healthy food options on school campuses and providing safe and accessible recreational facilities for residents of all ages. [www.surgeongeneral.gov/topics/obesity](http://www.surgeongeneral.gov/topics/obesity)

## End notes

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# Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes

Fact Sheet | November 2009

Schools play a central role in providing opportunities for students to engage in physical activity. Physical education (P.E) is the one time during the day when all students can be active.<sup>1</sup> School boards can consider policy and curriculum strategies to support increased physical activity in P.E.

## BENEFITS OF MODERATE TO VIGOROUS PHYSICAL ACTIVITY IN P.E.

Engaging students in moderate to vigorous physical activity (MVPA) in P.E. prepares them to lead physically active lives and can improve health and academic outcomes.<sup>2</sup> Physical activity does not have to compete with educational goals; in fact, it can help students learn content by enhancing concentration skills and on-task behavior.<sup>3</sup>

- Activity-focused P.E. can contribute to academic performance, improved attendance and positive classroom behavior.<sup>4</sup>
- Increasing MVPA in P.E. has the greatest potential for increasing health benefits for most students<sup>5</sup> as it generates more energy expenditure; contributes to obesity prevention and muscular and bone development; reduces anxiety and stress; improves self-esteem, mood and concentration; and reduces the risk of chronic disease.<sup>6</sup>
- Increasing MVPA in P.E. provides more opportunities to meet other P.E. goals such as motor development, increased fitness, skill enhancement and positive social interactions.<sup>7</sup>

## WHAT IS MVPA AND HOW MUCH DO STUDENTS NEED?

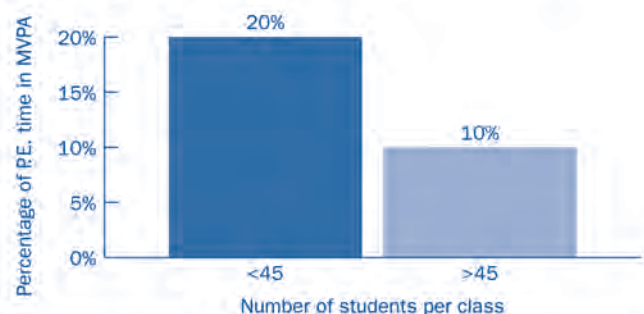
*Moderate physical activity* refers to activities equivalent in intensity to brisk walking or bicycling. *Vigorous physical activity* produces large increases in breathing or heart rate, such as jogging, aerobic dance or bicycling uphill.

The Physical Activity Guidelines for Americans recommend that children and adolescents participate in at least 60 minutes of MVPA most days of the week, preferably daily, in order to attain health benefits.<sup>8</sup> To help reach this goal, Healthy People 2010, an initiative of the Centers for Disease Control and Prevention and the President's Council on Fitness, recommends that students be engaged in MVPA for at least 50 percent of P.E. class time.<sup>9</sup>

## THE CURRENT STATUS OF P.E.: NOT ENOUGH MVPA

Many P.E. classes do not provide students with adequate opportunities to engage in MVPA. A recent study of California schools found that students are sedentary most of the time during P.E., with only four minutes of every half hour spent in vigorous physical activity. Moreover, active P.E. time decreases with larger class sizes. Students in classes with more than 45 students are half as active as students in smaller class sizes.<sup>10</sup>

Percentage of P.E. time in MVPA, by class size for secondary school level



Source: *Failing Fitness: Physical Activity and Physical Education in Schools*<sup>10</sup>



## COST-EFFECTIVE STRATEGIES TO INCREASE MVPA IN P.E.

The board can direct the superintendent or designee to explore low- to no-cost strategies to increase activity levels in P.E., including:

- Providing teachers with class management and teaching techniques to keep all students engaged and active (e.g. small-sided games and circuits, active role-taking, minimal transition times and concise instructions).<sup>11</sup>
- Utilizing inexpensive, discounted or donated equipment (e.g. aerobic games using flying discs, jump ropes or hula hoops).
- Identifying support staff for P.E. teachers.
- Using the expertise of P.E. staff to develop curriculum that meets state standards and has MVPA as a focus.
- Exploring funding opportunities to implement activity-based P.E, such as the federal Carol M. White Physical Education Program grant, local businesses, corporate sponsors, professional sports teams, community foundations, nonprofit health agencies, hospitals, physical activity clubs, health clubs and gyms and insurance companies.

## BOARD ACTIONS TO INCREASE MVPA IN P.E.

School boards have an opportunity to support physical activity in P.E. through each of their major areas of responsibility: setting direction, establishing an effective and efficient structure, providing support to staff during implementation, ensuring accountability and acting as community leaders. For example, they can:

- 1) Develop an understanding among the board, district/ county office of education (COE) staff and the community of the importance of MVPA in P.E. and its link to student learning.
- 2) Adopt curriculum goals to increase physical activity in P.E. by considering evidence-based P.E. programs which have been documented to effectively increase MVPA in P.E. (For more information, visit [www.csba.org/PhysicalActivity.aspx](http://www.csba.org/PhysicalActivity.aspx).)

- 3) Adopt and align policies related to increasing MVPA in P.E. (See CSBA's sample policy BP 5030 - Student Wellness and BP/AR 6142.7 - Physical Education.) Through policy, boards can set expectations that:
  - Ensure that all students engage in MVPA at least 50 percent of P.E. class time and that adequate time is provided for P.E. at every grade level.
  - When possible, ensure P.E. class sizes are consistent with core curriculum courses or do not exceed 45 students per class.
  - Ensure qualified P.E. teachers are hired and that teachers responsible for instructing P.E. receive professional development opportunities such as in-service days devoted to P.E. training.
- 4) Monitor implementation of the P.E. policy and schedule regular reports to the board, program partners and the public from the superintendent or designee, such as:
  - Ensure schools are compliant with state-required P.E. minutes.
  - Develop strategies to monitor activity levels in P.E. through measures such as activity monitors (e.g. heart rate monitors) or observation tools (e.g. using stopwatches to estimate time spent in MVPA or partnering with a university or health department to use a comprehensive tool such as the System for Observing Fitness Instruction Time (SOFIT)).<sup>12</sup>
- 5) Recognize district/COE efforts to develop and implement activity-focused P.E.
- 6) Cultivate strong partnerships among the district/ COE and outside community to maximize resources and develop cost-effective solutions for increasing physical activity in P.E.

For case studies, see "Physical Education Matters—Success Stories from California Low Resource Schools that Have Achieved Excellent PE Programs" [www.calendow.org/Article.aspx?id=3920](http://www.calendow.org/Article.aspx?id=3920)

## FOR FURTHER INFORMATION

### California School Boards Association

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

### California Project LEAN

#### (Leaders Encouraging Activity and Nutrition)

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

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*Support for this project was provided by a grant from The California Endowment.*



# Maximizing Opportunities for Physical Activity during the School Day

Fact Sheet | November 2009

Studies have shown that short bouts of physical activity throughout the school day may enhance academic performance, on-task classroom behavior and student concentration.<sup>1</sup> However, despite these benefits, most school-age children are not getting the recommended 60 minutes or more of physical activity every day.<sup>2</sup> Since students spend a significant amount of time at school or in school-related activities, schools play a central role in providing opportunities for students to engage in regular physical activity. School boards can consider adopting, revising, monitoring and/or evaluating policy and curriculum that support increased physical activity opportunities throughout the school day.

## SCHOOL PHYSICAL ACTIVITY BREAKS

School districts/county offices of education (COE) can support built-in breaks during the school day that are available for physical activity, such as:

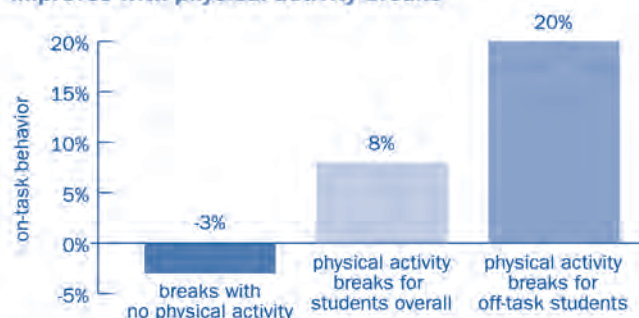
- **Recess.** Studies show that play helps children develop language, reasoning skills, autonomous thinking and problem solving skills. Play also helps their ability to focus and control their behavior.<sup>3</sup> In one study of approximately 11,000 students, teachers reported better classroom behavior for students who had daily recess.<sup>4</sup> To attain these benefits, recess should be provided for at least 20 minutes every day in elementary schools.<sup>5</sup>
- **Lunchtime.** Schools can provide sports, physical education (P.E.) and/or playground equipment for students to utilize within the lunch period. Some elementary districts provide recess before lunch so that students are able to be physically active after sitting in the classroom.

## CLASSROOM-BASED PHYSICAL ACTIVITY

Incorporating physical activity into the classroom does not have to compete with educational goals. In fact, integrating physical activity into the classroom may reactivate, engage and energize students to focus on the classroom material.<sup>6</sup> Ideas to support physical activity in the classroom include:

- **Integrating physical activity into the curriculum.** Teachers can guide learning with activities that get students moving while learning the content in a variety of subjects (e.g., science, math and reading).<sup>7</sup>
- **Structuring the classroom to facilitate physical activity.** Classroom teachers may enhance learning by incorporating physical activity equipment (e.g., stability balls) into the classroom during regular instruction.<sup>8</sup> To minimize costs of physical activity equipment, districts/COEs can explore contributions from local businesses.
- **Providing physical activity breaks.** Students may get restless or off-task after long periods of sedentary activity (e.g., periods of 20 minutes or more) in the classroom. By taking a short stretching or physical activity break, students may exhibit more on-task classroom behavior.<sup>9</sup>

*Elementary students' on-task classroom behavior improves with physical activity breaks*



Source: *Active Education: Physical Education, Physical Activity and Academic Performance*<sup>9</sup>





## OTHER SCHOOL-BASED ACTIVITIES

School districts/COEs can support school-based activities that encourage physical activity, such as:

- **School clubs.** School clubs (e.g., running, yoga and dance clubs) can promote physical activity and bring students together around a common interest.
- **School competitions.** Events such as jump rope, walking (e.g., using a pedometer) or hula-hoop competitions among students or between students and teachers can be used to engage the entire school in physical activity.
- **Physically active fundraisers.** Walk-a-thons, jog-a-thons, dance-a-thons, sports tournaments, 5Ks and other physically active fundraisers promote physical activity for students and can be profitable for schools.

## BOARD ACTIONS TO INCREASE PHYSICAL ACTIVITY IN SCHOOLS

School boards have an opportunity to support physical activity through each of their major areas of responsibility: setting direction, establishing an effective and efficient structure, providing support to staff during implementation, ensuring accountability and acting as community leaders. For example, they can:

- 1) Develop an understanding among the board, district/COE staff and the community of the importance of physical activity and its link to student learning.
- 2) Adopt curriculum goals to integrate physical activity into the classroom. (For more information, visit [www.csba.org/PhysicalActivity.aspx](http://www.csba.org/PhysicalActivity.aspx).)
- 3) Adopt and align policies related to physical activity during the school day to accomplish district/COE goals and objectives (e.g., see CSBA's sample policy BP 5030 - Student Wellness). Through policy, boards can set expectations that:
  - Support recess as a necessary component of the school day for elementary schools.
  - Support training for recess supervisors to engage students in active play.<sup>10</sup>
  - Ensure the lunch period provides sufficient time for physical activity.
  - Discourage the use or withholding of physical activity as punishment.
  - Ensure the provision and maintenance of equipment, playground and athletic facilities that support physical activity.

- 4) Ensure that the district/COE explores funding opportunities and cost-effective strategies for improving physical activity opportunities during the school day, such as:
  - Applying for local, state or federal grants (e.g., the Carol M. White Physical Education Program grant) to ensure that schools have adequate playground and sports equipment and facilities.
  - Recruiting parent, student or community volunteers to help paint the recess grounds with designs that encourage children to engage in active games.<sup>11</sup>
  - Utilizing P.E. teachers to train classroom teachers or recess supervisors on methods to provide physical activity.
  - Partnering with local colleges or health departments to provide professional development opportunities, such as in-service days devoted to training teachers on how to incorporate physical activity into the classroom.
- 5) Monitor physical activity programs and schedule regular reports to the board, program partners and the public from the superintendent or designee. Recognize and reward outstanding or innovative physical activity programs.
- 6) Cultivate strong partnerships among the school and outside community to maximize resources and develop cost-effective physical activity opportunities for students.

For successful strategies from districts/COEs to incorporate physical activity into the school day, visit [www.csba.org/PhysicalActivity.aspx](http://www.csba.org/PhysicalActivity.aspx).

## FOR FURTHER INFORMATION

**California School Boards Association**  
[www.csba.org](http://www.csba.org)

**California Project LEAN**  
**(Leaders Encouraging Activity and Nutrition)**  
[www.CaliforniaProjectLEAN.org](http://www.CaliforniaProjectLEAN.org)

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# Maximizing Opportunities for Physical Activity through Joint Use of Facilities

Policy Brief | February 2010

Recent studies have emerged linking physical activity with improved academic performance, classroom behavior and school attendance among children and youth.<sup>1</sup> Yet, some communities lack safe and accessible places for children to play and some schools lack adequate facilities and resources for physical activity and physical education programs.<sup>2</sup> A strategy to expand physical activity opportunities, programs and services for students, staff and the community involves the district or county office of education (COE) jointly sharing recreational facilities with another governmental agency, community-based organization or the community before, during and/or after the school day. This strategy involves sharing program costs, liability, maintenance and operations. This approach is commonly known as “joint use” because the school and other entity jointly use one or more facilities, such as gymnasiums, pools, playgrounds, school yards, playing fields, tracks and/or multi-purpose rooms.

Policies and practices that provide opportunities for physical activity, such as safe and available open space, indoor/outdoor facilities and physical activity programs and equipment, can help promote healthy behaviors, improve academic outcomes and prevent childhood obesity. In a time of shrinking budgets for school districts/COEs and local governments, joint use projects provide an opportunity to work together to identify creative solutions to achieve shared goals and priorities (see CSBA’s sample board policy BP 1330.1 – Joint Use Agreements).

Common examples of joint use include:

- 1) The district/COE opens existing school recreational facilities for public use during non-school hours. For example, San Francisco Unified School District and the City and County of San Francisco have an agreement that allows the City to unlock the outdoor playground areas for open, unsupervised use during non-school hours when such use does not conflict with educational or school co-curricular activities. (To see the agreement, see appendix 1 at [http://citiesandschools.berkeley.edu/reports/CC&S\\_PHLIP\\_2008\\_joint\\_use\\_with\\_appendices.pdf](http://citiesandschools.berkeley.edu/reports/CC&S_PHLIP_2008_joint_use_with_appendices.pdf).)
- 2) The district/COE partners with an agency or organization for supervised physical activity programs by either opening up existing or constructing new school recreational facilities for use during school or non-school hours. For example, Sweetwater Union High School District in San Diego County has a partnership with a local soccer league, allowing the soccer league to use a school field after school hours if the league maintains it.
- 3) The district/COE partners with an agency or organization to utilize existing or construct new community recreational facilities for use during school or non-school hours. For example, the New Millennium Institute of Education has an agreement with the Fresno County Boys & Girls Club for use of its gym. (To see a video on this project, visit <http://www.jointuse.org/resources/success-spotlight/?item=2>.)
- 4) The district/COE and agency or organization have reciprocal use of each other’s indoor/outdoor recreational facilities for use during school or non-school hours. For example, the San Carlos Elementary School District and the City of San Carlos in San Mateo County have an agreement to make school facilities open to city residents outside of school hours and to make city facilities available to district recreation programs. (For a copy of the Joint Use Agreement, visit <http://preventioninstitute.org/sa/policies/pdf/text/SCarlosJointUse.pdf>.)



## GETTING STARTED

Building joint use facilities and administering joint use programs requires detailed planning, ongoing administrative oversight, coordination and communication among partners. When developing joint use programs, districts/COEs should start on a small scale, such as a pilot project, so that relationships can be built and obstacles are manageable.

### Step 1: Identify and assess needs

Each joint use partnership, program and facility is planned, structured and implemented differently based on the needs and values of the student population, community, school district/COE and partner organization(s). If the need for a joint use agreement arises, the school district/COE can begin the process by assessing and prioritizing the types of users and potential facilities, program costs, insurance, maintenance and operations needed.

### Step 2: Establish and build relationships

Once joint use is an agreed upon strategy, the district/COE should assess possible partners within the community and establish or build upon existing positive relationships. Community partner organizations may include local governments via their park and recreation agency, nonprofit organizations, faith-based organizations or other educational institutions that are committed to sharing resources.

For information about how to create a successful collaborative, see *Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement*, a joint publication of the California School Boards Association and Cities Counties Schools Partnership, at [www.csba.org/Wellness.aspx](http://www.csba.org/Wellness.aspx).

### Step 3: Adopt policies

The governing board can adopt a new policy or revise an existing policy that supports and encourages joint use agreements (see CSBA's sample board policies BP 1330.1 – Joint Use Agreements) and ensure alignment of this policy with the district's/COE's vision and goals and other related policies (e.g., BP/AR 1330 – Use of School Facilities, BP 1020 – Youth Services, BP 7000 – Concepts and Roles, BP 7110 – Facilities Master Plan, BP/AR 6142.7 – Physical Education and Activity, BP 5030 – Student Wellness and others listed in this brief.)

### Step 4: Develop a joint use agreement

A joint use agreement is the formal agreement between agencies—often a school district/COE and a city or county—that sets the terms, conditions and responsibilities of each party sharing the facility or public grounds. Typically, each party under a joint use agreement contributes resources to develop, operate and maintain the facility or facilities that will be shared. There is no single method to develop an agreement. Joint use agreements can be relatively simple (e.g., providing staffing to open the school grounds to the public outside of school hours) or complex (e.g., allowing community members or groups to access all school recreation facilities and allowing schools to access all city, county or community-based organization's recreational facilities). Before entering into a joint use agreement with an outside partner, the district/COE should ensure buy-in from school level personnel (e.g. principals, maintenance staff, teachers, etc.), students and parents.

- The National Policy and Legal Analysis Network (NPLAN) to Prevent Childhood Obesity, a program of Public Health Law & Policy (PHLP), has legal research, model joint use agreements and fact sheets on joint use. NPLAN's resources include a "Checklist for Developing joint use agreements," designed to identify the key elements to consider when developing a joint use agreement. For these resources, visit <http://nplanonline.org/focus/community-environment>.
- Planning for Healthy Places, a program of PHLP, has developed a toolkit on Opening School Grounds to the Community After Hours: A Toolkit for Increasing Physical Activity Through Joint Use Agreements to help communities and school districts/COEs work together to increase access to recreational facilities on school grounds. For this toolkit, visit [www.phlpnet.org/healthy-planning/products/joint\\_use\\_toolkit](http://www.phlpnet.org/healthy-planning/products/joint_use_toolkit).
- The California Pan-Ethnic Health Network has developed a publication that provides models of Joint Use Agreements, advice for overcoming challenges and recommendations for moving forward with joint use in *Unlocking the Playground: Achieving Equity in Physical Activity Spaces*. For this publication, visit <http://www.cpehn.org/pdfs/Joint%20Use%20Brief.pdf>.

## ADDRESSING LIABILITY

California has laws that encourage and support schools opening their facilities to the community for recreation or other civic uses (see CSBA's sample board policies and administrative regulations BP/AR 1330 – Use of School Facilities and BP/AR 5148.2 – Before/After School Programs). Nonetheless, school officials may be hesitant to do so because of safety or liability concerns.<sup>3</sup> Although there are laws to protect school districts/COEs against liability for injuries to individuals using school property for recreation (Government Code Sections 810 *et seq.*, 815 and 831.7), some conditions or circumstances will result in the district/COE being held liable in the event of an injury (Government Code Sections 835, 835.2, 835.4, 815.6, 831.7(6)(1) – (3)).<sup>4</sup>

School districts/COEs can protect themselves against risk of loss, damage or liability by maintaining their property, assuring they have the proper insurance in place and requiring that organized groups who use their property—such as sports leagues—maintain the proper insurance (see CSBA's sample BP/AR 3530 – Risk Management/Insurance, BP/AR 5143 – Insurance and BP/AR 1330 – Use of School Facilities).

Districts/COEs can also share or pass on risk of liability to their partner agency. A joint use agreement can include an “indemnity clause,” a provision in the agreement by which one party agrees to be responsible for part or all of any liability the other party might incur. The district/COE can require the joint use partner to wholly or partially indemnify the district/COE for any potential liability under the agreement. Opening school facilities for community use is generally more cost effective for local governments than constructing new facilities. As a result, a local government may be willing to assume all or some of the liability risk incurred as stated in the agreement. For example, the City of San Francisco utilizes 12 schools within the San Francisco Unified School District for open, unsupervised use to increase the amount of recreational space available to the public. The city assumes the liability and responsibility (e.g., injury, vandalism or littering) for any recreational activities on the school grounds that result from the joint use activities. The city is self-insured by allocating general fund money to cover liability-related costs.<sup>5</sup>

Prior to entering into joint use agreements, districts/COEs should consult their legal counsel, insurance carrier and/or risk manager regarding potential risks and liability. As there is no “one size fits all” joint use partnership, districts/COEs need to ensure that the agreement is tailored to the specific activities and facilities that will be used, and that the district's insurance provides adequate protection under the circumstances proposed.

NPLAN developed the following resources on joint use liability in California:

- A fact sheet on *Liability for Use of School Property After Hours: An Overview of California Law*, [nplanonline.org/files/Liability\\_SchoolUse\\_FactSheet\\_FINAL\\_090713.pdf](http://nplanonline.org/files/Liability_SchoolUse_FactSheet_FINAL_090713.pdf).
- A more in-depth publication on *Liability Risks for After-Hours Use of Public School Property to Reduce Obesity: California*, [nplanonline.org/files/CA\\_JointUse\\_Final\\_SP\\_20090311.pdf](http://nplanonline.org/files/CA_JointUse_Final_SP_20090311.pdf).

NPLAN provides legal information on matters relating to public health, but the legal information is not intended to substitute for advice of legal counsel.

## GETTING JOINT USE PROJECTS FUNDED

Depending on the type of joint use project a district/COE and partner organization decide to pursue, there are a variety of funding sources available. Funding for constructing joint use facilities or programs that provide before or after school physical activity may include federal, state and local grants; local school bond matching funds; or in-kind programmatic funds provided by the joint use partner.

### Facilities funding

Funding for constructing joint use facilities may come from a variety of state and local sources,<sup>6</sup> such as:

- **School Facility Program.** Overseen by the California State Allocation Board's (SAB) Office of Public School Construction (OPSC), this program may grant funding to construct joint use facilities on school campuses through state general obligation bonds (Education Code 17051-17052). State funding is limited to

the construction or modernization of indoor school facilities, such as multi-purpose rooms, gymnasiums, childcare facilities, libraries or teacher education facilities. State funding requires a 50/50 state and local match of project costs. To be eligible for funding, a K–12 district/COE must enter into a joint use agreement with another governmental agency, a public higher education institution or a nonprofit organization approved by the SAB. Also, the district/COE must demonstrate that the facility will be used to the maximum extent possible for both school and community purposes (Education Code 17077.40-17011.45). (See CSBA's sample BP 7210 – Facilities Financing, BP/AR 7140 – Architectural and Engineering Services and BP 7111 – Evaluating Existing Buildings.)

For more information on state facilities funding, visit the following OPSC Web links:

- SAB's *Overview of State School Facility Programs*: [www.documents.dgs.ca.gov/OPSC/Publications/Other/SFP\\_Info.pdf](http://www.documents.dgs.ca.gov/OPSC/Publications/Other/SFP_Info.pdf)
- SAB's *School Facility Program Handbook: A Guide to Assist with Applying for and Obtaining Grant Funds*: [www.documents.dgs.ca.gov/OPSC/Publications/Handbooks/SFP\\_Hdbk.pdf](http://www.documents.dgs.ca.gov/OPSC/Publications/Handbooks/SFP_Hdbk.pdf)
- SFP's Joint-Use Program Web site: [www.opsc.dgs.ca.gov/Programs/SFPPrograms/JU.htm](http://www.opsc.dgs.ca.gov/Programs/SFPPrograms/JU.htm)
- SFP's Joint Use Program: Frequently Asked Questions: [www.opsc.dgs.ca.gov/Programs/SFPPrograms/JU\\_FAQ.htm](http://www.opsc.dgs.ca.gov/Programs/SFPPrograms/JU_FAQ.htm)
- SAB's *Public School Construction Cost Reduction Guidelines* contains strategies to help control and reduce costs when planning joint use projects: [www.documents.dgs.ca.gov/opsc/Publications/Other/Cost\\_Rdt.pdf](http://www.documents.dgs.ca.gov/opsc/Publications/Other/Cost_Rdt.pdf).

- **Local general obligation bonds.** School districts/COEs can use these bond funds for school construction projects (see Case Study). Local bonds must be approved by two-thirds of the vote within the district/COE, or by 55 percent under specific conditions. They are repaid using local property tax revenue. (See CSBA's sample BP/AR 7214 – General Obligation Bonds.)

- **Special bond funds.** Known as “Mello Roos” bonds, these funds allow school districts/COEs to form special districts to sell bonds for school construction projects. These bonds require two-thirds voter approval and are paid off by the property owners in the special district. (See CSBA's sample BP 7212 – Mello Roos Districts.)
- **School facilities improvement districts.** If the county board of supervisors has adopted a resolution to make Education Code 15300-15303 applicable in the county, school districts can create a school facilities improvement district to issue general obligation bonds for school facilities within a specific geographical area of the school district's territory. (See CSBA's sample BP 7213 – School Facilities Improvement Districts.)
- **Developer impact fees.** Some school districts/COEs are allowed to charge a voluntary fee that is reasonably related to the cost of the service provided on new residential, commercial or industrial developments for school construction projects. These fees vary significantly by community depending on local development. (See CSBA's sample BP/AR 7211 – Developer Fees.)

#### Program funding

Funding for joint use programs that provide before or after school physical activity may come from a variety of federal, state and local sources, such as:

- **21st Century Community Learning Centers.** This federal program supports the creation of community learning centers to provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools. Eligible K–12 districts/COEs receive an award from the state to carry out a broad array of before- and after-school activities, including recreational activities. For more information, visit the U.S. Department of Education at [www.ed.gov/programs/21stccclc/index.html](http://www.ed.gov/programs/21stccclc/index.html).
- **After School Education and Safety.** This state program supports the establishment of local before and after school programs, which may include after school physical activity programs. These programs are created through partnerships between schools and local community resources. School districts, COEs and charter schools serving K–9 students are eligible to apply. For more information, visit [www.cde.ca.gov/ls/ba/as](http://www.cde.ca.gov/ls/ba/as).

- **Joint use partner funds.** Public agencies, such as parks and recreation agencies, may have a variety of funding sources available that can bring funding for capital expenses or operational costs.
- **Private foundation grants.** Check with local community, state or national foundations and other private funding sources about the possibility of applying for funding. Districts/COEs can partner with other agencies or nonprofit organizations to solicit grant funding from a wider spectrum of sources that may not otherwise be available.

- **Fee for facility utilization.** Organized groups who utilize the facilities, such as sports groups, can be charged a fee to lease the facilities or grounds (see Education Code sections 38130-38138). Consult with legal counsel to pursue this option.
- **Business sponsorships.** Local businesses can sponsor sporting events, team sports and various youth activities.

For more information on joint use funding, see the California Pan-Ethnic Health Network's *Primer on Joint Use* at [www.cpehn.org/pdfs/Joint%20Use%20Primer%20-%20CPEHN%204-09.pdf](http://www.cpehn.org/pdfs/Joint%20Use%20Primer%20-%20CPEHN%204-09.pdf).

## CASE STUDY

While there are many types of joint use agreements, this case study highlights one district's actions to construct a joint use facility and provide after-school recreational programs in partnership with a local government agency and a nonprofit organization.

In an effort to address growing concerns for childhood obesity, the dire need for open space, safe places for children to play, gang activity and dropout rates, Oakland Unified School District, the City of Oakland and the Unity Council partnered to provide a community-based school designed to support after-school physical activity programs for the district's K-12 students and families.

The city donated a piece of land to OUSD to develop the Cesar Chavez Education Center. Funding to build the Center and state-of-the-art synthetic surface soccer fields came from the city and the proceeds from a local general obligation bond. After the Center was built, OUSD and the Unity Council partnered to bring after-school sports programs to the district's students. Scheduling, maintenance and operations of the playing fields were established by a formal joint use memorandum of understanding. The MOU had the support of the district's board of education.

Today, the after-school soccer and basketball programs are full, with an additional 10 to 20 teams waiting to be scheduled. This partnership has increased physical activity opportunities for youth in the community where programs for youth did not previously exist. The district has reported increased academic performance, better behavior from students and decreased vandalism as a result of the program. With the help of the Unity Council, the district hopes to raise additional funds to replicate this model in 10 additional schools in the next five years.

### For more information, contact:

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Web site: [www.unitycouncil.org](http://www.unitycouncil.org)

Visit [www.jointuse.org](http://www.jointuse.org) for success stories, resources and information on how to participate in the Joint Use Statewide Taskforce, whose members include stakeholders interested in ensuring that all students have convenient and safe places to play.

## THE SCHOOL BOARD'S ROLE

The governing board plays an important role in encouraging and facilitating joint use opportunities through each of its major areas of responsibility.

### Setting direction for the community's schools

In establishing a district/COE vision, the board has an opportunity to emphasize the importance of increasing physical activity opportunities for student through joint use of facilities by:

- Fostering an understanding among the district/COE governance team about the importance of joint use of facilities for increasing physical activity opportunities for students and the community before, during and after school
- Fostering an understanding among the district/COE governance team about the relationship between increased physical activity, student health and learning
- Working with school personnel, parents, students and the community to identify a district/COE need that could be addressed through a joint use partnership

### Establishing an effective and efficient structure for the district/COE

While the board does not implement district/COE policies and programs, it is the board's role to ensure that the district has the necessary structure and resources by:

- Identifying if the district/COE has existing joint use agreements and related policies in place
- Adopting policies that support and encourage joint use of facilities for physical activity and community use
- Collaborating with project partners to establish a joint use agreement that details the roles and responsibilities of each party
- Ensuring that joint use efforts meet state and local requirements and are aligned with the district/COE vision and goals
- Ensuring that the superintendent or designee applies for state or local funding or explores other funding sources for joint use projects and maintenance and operation funds
- Adopting and ensuring implementation of policies and practices that limit liability and risk of loss or damage to school property

### Providing support

After establishing the structure, the board can support the superintendent's and staff's implementation of the district/COE joint use efforts by:

- Working to establish a positive climate of cooperation within the community by modeling collaborative behaviors in relationships with other local officials and by setting expectations for collaboration among staff
- Appointing a board representative to sit on a district planning or oversight team for developing and administering the district's/COE's joint use efforts

### Ensuring accountability to the public

As elected representatives, the board is accountable to the public for the district's/COE's progress towards board-established goals. The board evaluates and communicates progress toward joint use project goals by:

- Working with the superintendent and program partners to identify indicators or measures that will be used to evaluate the effectiveness of joint use
- Scheduling regular evaluation reports to the board, program partners and the public from the superintendent or designee
- Using evaluation reports to identify progress and challenges
- Recommending revisions to the joint use agreement or related policies, if necessary

### Acting as community leaders

Board members have a responsibility to act as community leaders and involve the community in meaningful ways to promote children's education and health. Regarding joint use projects, the board engages in community leadership by:

- Identifying community stakeholders and initiating or participating in joint use partnerships with government agencies and/or community-based organizations that are committed to working together
- Developing positive and long-standing relationships with partners
- Sharing information about joint use projects with students, parents and the community



## ADDITIONAL RESOURCES

**California School Boards Association** is a collaborative group of virtually all of California's more than 1,000 school districts and COEs. CSBA supports school board members, superintendents and senior staff by producing policy briefs, publications and other resources on health issues as they relate to education, including safe routes to school, student wellness, physical education, physical activity and community collaboration on youth services. [www.csba.org/wellness.aspx](http://www.csba.org/wellness.aspx)

**California Project LEAN (Leaders Encouraging Activity and Nutrition)** is a joint program of the California Department of Public Health and the Public Health Institute that focuses on youth and parent empowerment, policy and environmental change strategies, and community-based solutions to increase healthy eating and physical activity. CPL provides training, tools and technical assistance on developing, implementing and monitoring school wellness policies. [www.CaliforniaProjectLEAN.org](http://www.CaliforniaProjectLEAN.org)

**California AfterSchool Network** provides leadership and links to state policy-makers to support high-quality programs, support policies, research, public awareness campaigns, innovative strategies and networking partnerships to support opportunities for mutual learning so that after-school programs can keep children safe, inspire learning and help working families. [www.afterschoolnetwork.org](http://www.afterschoolnetwork.org)

**California Park & Recreation Society** has a database of model joint use agreements, resources and information on its Web site. It monitors joint use legislation, as well as the challenges and opportunities of joint use. [www.cprs.org](http://www.cprs.org)

**Center for Cities & Schools** is a think-tank housed at the University of California-Berkeley's Institute of Urban and Regional Development that bridges the fields of city planning, community development and education for more equitable schools and communities. <http://citiesandschools.berkeley.edu>

**Cities Counties Schools Partnership** supports the development of policies that promote the creation and preservation of communities through collaborative efforts on the local level. The partnership's work in the area of health focuses on education, recognition of successful examples and advancing public policies that address healthy communities. [www.ccspartnership.org](http://www.ccspartnership.org)

**New Schools Better Neighborhoods** is an organization that serves as a third-party intermediary to front-fund, convene and manage collaborative, stakeholder planning of smaller, joint use and community-centered schools in California's urban school districts. [www.nsbm.org/index.php](http://www.nsbm.org/index.php)

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- <sup>6</sup> California Pan-Ethnic Health Network. *Primer on Joint Use*. <http://www.cpehn.org/pdfs/Joint%20Use%20Primer%20-%20CPEHN%204-09.pdf>



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# Safe Routes to School

## Program and policy strategies

Policy Brief | August 2009

Increased physical activity is associated with better academic performance, concentration and classroom behavior.<sup>1</sup> Research shows that school-age children who have opportunities to engage in physical activity are more likely to focus on academic subjects in the classroom.<sup>2</sup> Thus, students who travel to school by walking, bicycling or using other physically active forms of transportation (including skates, skateboards and non-motorized scooters) may come to school more ready to learn. Supporting active and safe transportation to and from school through local school board policy provides an opportunity to increase daily physical activity and reinforce positive health and academic outcomes among youth (see CSBA's sample board policy and administrative regulation BP/AR 5142.2 – Safe Routes to School Program).

Over the past few decades, the number of students who walk and bicycle to and from school has been declining. A study conducted by the U.S. Department of Transportation's Federal Highway Administration found that the number of students ages 5 to 18 who walk and/or bicycle to and from school decreased almost 70 percent in 30 years, from 42 percent in 1969 to only 13 percent in 2001.<sup>3</sup> A number of recent studies have associated the decline in active transportation to and from school with larger public health and safety concerns, such as physical inactivity, obesity, poor air quality, traffic congestion and collisions.<sup>4</sup>

The Safe Routes to School federal grant program (SRTS) and state grant program (SR2S) are designed to make it easy, safe and enjoyable for students to walk and bicycle to and from school on a daily basis.<sup>5</sup> This policy brief provides information about these programs and ways that school districts/county offices of education (COEs) can become involved in increasing active transportation to and from school.

## HOW TO GET STARTED

School districts/COEs can begin developing Safe Routes to School programs by establishing a multidisciplinary team with parent organizations, students, school administrators and staff, local law enforcement, city planners, health officials and other stakeholders. The group can assist with realizing a community vision, developing project proposals and implementing those projects if selected for funding.

There are a variety of resources, as well as examples of successful programs, available to assist districts/COEs and communities in designing and implementing Safe Routes to School programs.

The Federal Highway Administration, the federal agency that oversees the SRTS program, recommends that program implementation address the "5 E's"—education, encouragement, enforcement, engineering and evaluation as outlined below. Some of these strategies could be implemented by districts/COEs on their own, while others would more likely be implemented by city/county agencies or other program partners.

### Education

Education projects may include teaching students and adults about the range of transportation choices; increasing awareness of the benefits of active transportation, including health and environmental benefits; instructing them in pedestrian, bicycle and personal safety skills; launching driver safety campaigns in the vicinity of schools; and involving parents and other partners in safety education programs. Students should receive pedestrian and bicycle safety education prior to implementing encouragement events and activities, as discussed below.

For a comprehensive online guide designed to support the development of Safe Routes to School programs, including key strategies for implementing the 5 E's, visit [www.saferoutesinfo.org/guide](http://www.saferoutesinfo.org/guide).



## Encouragement

Special events and activities help focus attention and build excitement around walking or bicycling to and from school. For example, districts/COEs can:

- *Join International Walk to School day/month.* This event, held annually in October, involves planning a schoolwide Walk To School day/month with students, parents, school administrators, local city/county officials, law enforcement, public works, community organizations and/or businesses.
- *Organize or support ongoing efforts to encourage active transportation to and from school.* This may involve small groups of students and parents walking, bicycling or using other forms of active transportation to and from school, arranging to meet other parents or students at a central location to walk or bicycle to school on (a) particular day(s) of the week (e.g., walk to school Wednesdays) or year-round competitions.

For more information on Walk to School activities, visit:

- California Walk to School Headquarters at [www.cawalktoschool.com](http://www.cawalktoschool.com)
- The Centers for Disease Control and Prevention's Kids Walk-to-School Web site at [www.cdc.gov/nccdphp/dnpa/kidswalk](http://www.cdc.gov/nccdphp/dnpa/kidswalk)
- The International Walk to School in the USA Web site at [www.walktoschool.org](http://www.walktoschool.org)
- The International Walk to School Web site at [www.iwalktoschool.org](http://www.iwalktoschool.org)

- *Start a "walking school bus" or a "bicycle train."* This involves one or more adults supervising a group of students to and/or from school by foot or bicycle. Parents often share the responsibility of escorting students.

For more information on walking school buses or bicycle trains, visit:

- The Pedestrian and Bicycle Information Center at [www.walkingschoolbus.org](http://www.walkingschoolbus.org)
- The National Center for Safe Routes to School at [www.saferoutesinfo.org/guide/encouragement/walking\\_school\\_bus\\_or\\_bicycle\\_train.cfm](http://www.saferoutesinfo.org/guide/encouragement/walking_school_bus_or_bicycle_train.cfm)

- *Build support of parents and the community through publicity and information about the district's/COE's efforts.* For example, a district or school newsletter, Web site and/or parent notifications about transportation options can be used to distribute information about the district's/COE's Safe Routes to School program.

## Enforcement

The goal of Safe Routes to School enforcement strategies is to ensure that all drivers, bicyclists and pedestrians are obeying traffic laws and sharing the road safely. This can be done by initiating or expanding crossing guard programs, student safety patrols or parent safety patrols; partnering with local law enforcement to ensure traffic laws are obeyed in the vicinity of schools (e.g., enforcement of speed limits, drivers yielding to pedestrians at crossings); and ensuring that students wear helmets when they bicycle or use skateboards, skates or non-motorized scooters in accordance with law.

## Engineering

A growing body of evidence is emerging that links student physical activity behaviors to infrastructure around the school, such as the availability of bicycle lanes and sidewalks.<sup>6, 7, 8</sup>

- *Organize or support infrastructure improvements in and around existing school sites.* A multidisciplinary, communitywide team (e.g., parents, students, school staff, neighbors, engineers, police, etc.) can help inventory and identify infrastructure needs around schools. This assessment can be done by conducting "walkability" and/or "bikeability" audits, which will identify barriers that make it difficult for students to travel to and from school safely. Also, there may be improvements that districts/COEs can make on school sites that facilitate students' active transport to and from school. For example, an assessment of school sites may indicate the need for more bicycle racks or for relocation of existing racks to be safer or more accessible. Once the team has obtained that information, they should address any barriers by seeking out resources and proposing alternative solutions. It is important to adopt the best alternative that proposes short-term and long-term safety solutions.
- *Consider "walkability" and "bikeability" when building new school sites.* When selecting a site for building a new school, there is an opportunity to consider how the infrastructure is built and the proximity of the school to the community to support active transportation to and from school.

For useful tools to assist with walkability or bikeability audits, download the following:

- Walkability Checklist:  
[www.walkableamerica.org/checklist-walkability.pdf](http://www.walkableamerica.org/checklist-walkability.pdf)
- Bikeability Checklist:  
[www.bicyclinginfo.org/pdf/bikabilitychecklist.pdf](http://www.bicyclinginfo.org/pdf/bikabilitychecklist.pdf)
- Also visit the Pedestrian and Bicycle Information Center for further information and training on health and safety engineering, access and mobility issues related to pedestrians and bicyclists at [www.pedbikeinfo.org](http://www.pedbikeinfo.org)

## Evaluation

In any Safe Routes to School program, evaluation is important in identifying problems and potential solutions to ensure resources are being used effectively and the program is achieving the desired impact. Moreover, data collected and shared can influence future funding of the program.

Some indicators that can be used to assess program implementation and progress toward program goals include levels of participation in promotional and educational events and activities; a survey of parent attitudes about allowing their child to walk or bicycle to and from school; tallies of the numbers of students using various modes of travel to and from school; records of student attendance and on-time arrival; and injury data within the school and/or district/COE attendance boundary.

To assist with program evaluation, the National Center for Safe Routes to School has developed a standardized parent survey and student tally forms for recording the modes of travel that students use before and after program implementation. NCSRTS also provides data analysis and report preparation of parent surveys and student tallies. Use of these instruments is required for programs that are funded by a SRTS grant and may be used by other districts/COEs as well.

The NCSRTS Parent Survey, Student Travel Tally forms and evaluation worksheets are available at [www.saferoutesinfo.org/guide/evaluation/appendices.cfm](http://www.saferoutesinfo.org/guide/evaluation/appendices.cfm).

## GETTING THE PROJECT FUNDED

Safe Routes to School programs can benefit from a combination of local, state, federal and private funding.

### State and federal grants

There are two separate grant programs administered by the California Department of Transportation (CalTRANS). For more information, visit the CalTRANS Safe Routes to School Web site at [www.dot.ca.gov/hq/LocalPrograms/saferoutes/saferoutes.htm](http://www.dot.ca.gov/hq/LocalPrograms/saferoutes/saferoutes.htm).

- **State program.** California's SR2S program is primarily an infrastructure program (e.g., engineering projects), with up to 10 percent of expenditures allowable for non-infrastructure activities (e.g., education, encouragement, and/or enforcement activities). Projects funded by the program are intended to improve the safety of students who walk or bicycle to and from school. Infrastructure improvements must be made on public property in the vicinity of K–12 schools. Improvements can be made on public school grounds providing the cost is incidental to the overall cost of the project. Only incorporated cities and counties are eligible to apply for the SR2S program; therefore, it is very important that school districts/COEs, local school site staff and parents work together with their city or county to maximize the benefit of the program funding. The SR2S grant guidelines recommend that city and county applicants partner with school districts/COEs in the development of a comprehensive and unified solution to bicycle/pedestrian infrastructure needs and submittal of an SR2S grant application. The state of California has provided approximately \$24 million per year for the SR2S program since 2000. Ongoing funding for this program is a part of annual state budget negotiations.
- **Federal program.** The federal SRTS program funding is available through CalTRANS and provides funding for both infrastructure projects (70 percent of the funding) and non-infrastructure projects (30 percent of the funding). Applications must be comprehensive by including all of the 5 E's described above. State, local and regional agencies experienced in meeting federal transportation requirements are eligible to apply. Other entities including non-profit organizations, school districts/COEs, public health departments and Native American tribes must partner with a city, county or metropolitan planning organization to serve as the responsible agency for their project. California spent \$68 million in federal SRTS funds through a 2005 federal transportation bill. Future funding is contingent upon a new transportation bill.

## Other funding sources

There are many other transportation funding sources which can be used to support Safe Routes to School projects. District/COE representatives and parents should work closely with cities and counties to identify priority needs and develop a funding plan. Some potential sources include:

- **Local funds.** Each city and county has general funds which are often used for transportation purposes. In addition, many California cities and counties have transportation sales tax revenues which might be eligible for Safe Routes to School projects.
- **Safety funding.** The state administers Highway Safety Improvement Program funding which can be used for Safe Routes to School projects in areas where there have been high numbers of collisions.
- **Bicycle transportation account.** This CalTRANS-administered program provides funding for bicycle facilities which can be used for Safe Routes to School efforts that facilitate bicycling to school.
- **Regional transportation plan funds.** Each school is located within a region which is governed by a Metropolitan Planning Organization or a Regional Transportation Planning Agency. These entities develop long-range transportation plans which could include funding for Safe Routes to School. For example, the San Francisco Bay Area's organization—the Metropolitan Transportation Commission, adopted a plan with \$10 million per year for Safe Routes to School funding.
- **Community-based foundations:** Check with local community foundations, rotary clubs and other local funding sources about the possibility of applying for funding for Safe Routes to School programs. These entities might be able to fund education and encouragement activities.

For more ideas about funding Safe Routes to School programs, visit the Active Living Resource Center at [www.activelivingresources.org/saferoutestoschool6.php](http://www.activelivingresources.org/saferoutestoschool6.php)

## San Diego case study

The City of La Mesa collaborated with the La Mesa-Spring Valley School District, Grossmont Union High School District, Helix Charter High School, the County of San Diego, various community-based organizations and community members to change nutrition and physical activity environments. This multi-sector partnership included a Safe Routes to School and walkability project where local high school students mapped obstacles to safe travel in the west La Mesa area encompassing high-density, ethnically diverse and lower income neighborhoods.

The students created a Web site and photo essay boards that showed the need for improved pedestrian access around a local charter high school and made a presentation to the school district, city council and the city's Youth Advisory Commission. Their efforts resulted in a SRTS grant that allowed the partnership to add sidewalks, lighting and landscaping around Helix Charter High School. The continuing work of the city's Youth Advisory Commission led to two additional grants for sidewalks along a common route to an elementary school and for a multi-faceted walking incentive program at six elementary and two middle schools. This case study highlights how collaboration between multiple sectors results in community improvements that positively impact the health of the community's children and families.

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<http://www.cityoflamesa.com/>

For Safe Routes to School Case Studies from Around the Country, visit [http://drusilla.hsrb.unc.edu/cms/downloads/srts\\_case\\_studies.pdf](http://drusilla.hsrb.unc.edu/cms/downloads/srts_case_studies.pdf)

## THE SCHOOL BOARD'S ROLE

School boards play an important role in encouraging and facilitating physical activity opportunities in schools, including Safe Routes to School, through each of their major areas of responsibility: setting direction, establishing structure for the district/COE, providing support to district/COE staff during program implementation, ensuring program accountability and providing community leadership.

### Setting direction for the community's schools

In establishing a vision, the board has an opportunity to emphasize the importance of student safety and well-being. The board can:

- Develop an understanding among the governance team of the importance of before- and after-school physical activity opportunities, such as Safe Routes to School and the link to academic learning.
- Set specific district/COE goals related to student wellness and physical activity.
- Involve the district/COE, school staff, parents, students, local agencies and community members in establishing goals for the Safe Routes to School program.

### Establishing an effective and efficient structure for the district or county office of education

The board must ensure that the district/COE has resources and a structure necessary to implement high-quality programs and policies. While the board does not implement programs and policies, the board can:

- Adopt policy that supports and encourages walking and bicycling to school (see CSBA sample BP/AR 5142.2 – Safe Routes to School Program) and ensure alignment of this policy with the district's/COE's vision and goals and related policies (e.g., BP/AR 3510 – Green School Operations, BP 3540 – Transportation, BP 5030 – Student Wellness and BP/AR 5142 – Safety).
- Establish age-appropriate curricular goals to educate students on the importance of physical activity and walking and bicycling safely.
- Ensure that the board's decisions regarding school schedules support adequate time for students to walk and bicycle to and from school.
- Ensure that the district/COE is looking into funding opportunities, such as working with the city or county governments on SRTS/SR2S grant applications or looking into other local funding opportunities.
- Consider walkability, bikeability and other forms of active transportation to school when making decisions about siting and design of new schools.

### Providing support

After establishing the structure, boards can support the superintendent's and staff's implementation of the district's/COE's Safe Routes to School policies and programs in a variety of ways. The board can:

- Encourage district's/COE's governance team to serve as role models by engaging in regular physical activity and promoting and participating in walk and bicycle to school events.
- Appoint board representatives to sit on a Safe Routes to School committee to provide input on development, implementation and evaluation strategies.

### Ensuring accountability to the public

As community representatives, boards are accountable to the public for the district's/COE's progress toward established goals. Boards establish systems and processes to monitor and evaluate results and communicate that progress to the local community. In evaluating and assessing progress toward Safe Routes to School program goals, the board can:

- Work with the superintendent or designee to identify evaluation data that can be useful to help evaluate program effectiveness and guide program planning.
- Schedule regular reports to the board, program partners and the public from the superintendent or designee.
- Recommend program modifications, if needed.
- Review and revise Safe Routes to School policies, as needed.

### Acting as community leaders

Boards have a responsibility to act as community leaders and involve the community in meaningful ways in efforts to promote children's education and health. Regarding Safe Routes to School, the board can:

- Identify community stakeholders and initiate or participate in a multidisciplinary team of partners (e.g., local government agencies, health organizations, district and school staff, students, parents and parent organizations and/or businesses) committed to working together on providing Safe Routes to School.
- Collaborate with community partners on Safe Routes to School program planning, implementation and evaluation.
- Promote the district's/COE's Safe Routes to School activities in order to build support of parents, students and the community.

## FOR MORE INFORMATION

**California School Boards Association** provides policy briefs, sample board policies and administrative regulations and other publications and resources on Safe Routes to School, student wellness, community collaboration on youth services, physical education and physical activity.

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

**California Project LEAN (Leaders Encouraging Activity and Nutrition)** is a joint program of the California Department of Public Health and the Public Health Institute that focuses on youth and parent empowerment, policy and environmental change strategies, and community-based solutions to increase healthy eating and physical activity. CPL provides training, tools and technical assistance on developing, implementing and monitoring school wellness policies. [www.CaliforniaProjectLEAN.org](http://www.CaliforniaProjectLEAN.org).

**National Center for Safe Routes to School** assists communities in enabling and encouraging children to safely walk and bike to school. The center strives to equip Safe Routes to School programs with the knowledge and technical information to implement safe and successful strategies.

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

**Safe Routes to School National Partnership** is a fast-growing network of hundreds of organizations, government agencies and professional groups working to set goals, share best practices, secure funding, and provide educational materials to agencies that implement Safe Routes to School programs.

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



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