



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 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

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

California Department of Education: 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

Improving Water Consumption in Schools: Challenges, Promising Practices, and Next Steps

California Healthy Kids Resource Center:
www.californiahealthykids.org

California Project LEAN (Leaders Encouraging Activity and Nutrition): www.californiaprojectlean.org

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

CANFIT (Communities, Adolescents, Nutrition, and Fitness):
www.canfit.org

Healthy Snack Guide for Your After School Program

Centers for Disease Control and Prevention: 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

Institute of Medicine: 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

National Association of State Boards of Education:
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

School Food FOCUS (Food Options for Children in Urban Schools): www.schoolfoodfocus.org

School Nutrition Association: www.schoolnutrition.org

U.S. Department of Agriculture: www.fns.usda.gov/fns
and 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