

Vista Unified School District Wellness Policies & Administrative Regulations*

- ◆ Student Wellness (No. 5030)
- ◆ Physical Education (No. 6142.7)
- ◆ Food Service/Child Nutrition (No. 3550)
- ◆ Other Food Sales (No. 3554)

Vista Unified School District is committed to providing a school environment that promotes student wellness, proper nutrition, nutrition education, and regular physical activity as part of the total learning experience.

* Board Policy 5030 states: "Each school shall post the district's wellness policies and regulations in public view in all school site front offices and on the district website."

VISTA UNIFIED SCHOOL DISTRICT

Students

BOARD POLICY NO. 5030: STUDENT WELLNESS

The Board of Trustees recognizes the link between student health and learning and desires to provide a comprehensive coordinated school health program that supports and reinforces health literacy through health education, physical education, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

School wellness policies shall be developed with the involvement of parents/guardians, students, school food service professionals, school administrators, Board representatives, and members of the public.

The Superintendent or designee shall appoint a health council or other committee consisting of representatives of the above groups. The council or committee may also include district administrators, health professionals, school nurses, health educators, physical education teachers, counselors, and/or other interested in school health issues.

The purpose of the council or committee shall be to monitor the implementation of the wellness policies, evaluate the district's progress on the policies goals, serve as a resource to schools and recommend revisions to these policies as the council or committee deem necessary and/or appropriate. At the discretion of the Superintendent or designee, the council's charges may include planning and implementing activities to promote health within the school or community.

Nutrition Education and Physical Activity Goals

The Board shall adopt goals for, nutrition education, physical activity, and other school-based activities that are designed to promote student wellness.

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

Standards for health and nutrition education shall be provided as part of the health education program in grades K-12 and will be age-appropriate, skill building education that focuses on behavior change and, as appropriate, shall be integrated into core academic subjects and offered through before and after school programs.

The Superintendent or designee shall encourage staff to serve as positive role models.

Information shall be provided to all staff to promote personal well being.

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

The Board shall not promote the marketing and advertising of non-compliant SB 12 and SB 965 foods and beverages through signage, logos and scoreboards and encourages the marketing and advertising of healthy options.

Nutrition Guidelines for Foods and Beverages available at Schools

The Board shall adopt nutrition guidelines for all foods and beverages available on each campus during the school day, as set forth in these policies, with the objectives of promoting student health. (42 USC 1751 Note)

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

A list of all compliant food and/or beverages that school organizations may use for fundraising purposes will be available at each school.

The Board prohibits the use of non-nutritious foods as rewards or incentives for students.

The School site staff shall encourage parents/guardians or other volunteers to use non-food items, which they may donate for occasional class parties.

All foods and beverages donated to classrooms must be selected from the district-approved list of snacks, which is available in the front office of all schools and the district website.

Guidelines for Reimbursable Meals

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a), and 1779(a) and (b), as they apply to schools. (42 USC 1751 Note)

Program Implementation and Evaluation

The Board shall establish a plan for monitoring the implementation and compliance of all the district wellness policies. The Superintendent shall designate at least one (1) person within the district and a representative at each school site to ensure that the school sites comply with the district's wellness policies.

Specific quality indicators will be used to measure the implementation and compliance of the wellness policies, district wide and at each school site. These measures shall include but not be limited to:

- Physical Education minutes
- Other Food Sales
- Nutrition Education
- School Nutrition Program

The Superintendent or designee shall report to the Board annually on the implementation and compliance of the wellness policies.

Posting Requirements

Each school shall post the district's wellness policies and regulations in public view in all school site front offices and on the district website.

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:
1751 Note Local wellness policy
1771-1791 Child Nutrition Act, including:
1773 School Breakfast Program

1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

Management Resources:

CSBA PUBLICATIONS

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007
Food Safety Requirements, Fact Sheet, October 2007
Physical Education and California Schools, Policy Brief, rev. October 2007
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, March 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

Healthy Children Ready to Learn, January 2005
Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

BOARD POLICY NO. 5030 – Page 4

Management Resources (continued):

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

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

CALIFORNIA PROJECT LEAN PUBLICATIONS

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

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, 2004

Making It Happen: School Nutrition Success Stories, 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

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

WEB SITES

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

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>

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_steps.html

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VISTA UNIFIED SCHOOL DISTRICT

Instruction

BOARD POLICY NO. 6142.7: PHYSICAL EDUCATION

The Board of Trustees recognizes the positive benefits of physical activity on student health and academic achievement. The Board desires to provide a physical education program that supports the district's coordinated student wellness program, provides an adequate amount of moderate to vigorous physical activity, builds interest and proficiency in movement skills, and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities should teach students how to cooperate in the achievement of common goals.

The Board shall approve the components of the physical education program. The district's program shall be aligned with state model content standards and curriculum frameworks for physical education and shall provide a developmentally appropriate sequence of instruction including, at appropriate grade levels, 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 such as self-defense and fencing.

The district's program shall provide equal opportunities for participation in physical education instruction regardless of gender.

An appropriate alternative activity or exemption from the physical education class shall be provided for a student with disabilities in accordance with his/her individualized education program or Section 504 accommodation plan.

Physical education staff shall appropriately adjust the amount or type of physical exercise required of students during air pollution episodes, hot weather, or other inclement conditions or as needed to accommodate individual student health needs.

The district's physical education program shall be provided by appropriately credentialed teachers. Continuing professional development shall be offered to physical education teachers and to classroom teachers serving as instructors of physical education in order to enhance the quality of instruction and the variety of activities offered.

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Trustees to students in grades 5, 7, and 9. (Education Code 60800)

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)

Temporary Exemptions

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.

Other Exemptions

The Superintendent or designee may grant an exemption from physical education under the following special circumstances:

1. 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)
2. 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)

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 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

Management Resources:

CSBA PUBLICATIONS

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 PROGRAM ADVISORIES

0418.89 Physical Education, April 18, 1989

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005

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

CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS

School Idea and Resource Mini Kit, 2000

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

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, Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>

California Department of Health Services, School Health Connections:

<http://www.dhs.ca.gov/ps/cdic/shc/default.htm>

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

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

Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/cpf>

FITNESSGRAM[®], Cooper Institute: <http://www.fitnessgram.net>

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sports and Physical Education: <http://www.aahperd.org/naspe>

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

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

The California Endowment: <http://www.calendow.org>

VISTA UNIFIED SCHOOL DISTRICT

Instruction

ADMINISTRATIVE REGULATION NO. 6142.7

PHYSICAL EDUCATION

Instructional Time

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)

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)

Physical Fitness Testing

During the month of February, March, April, or 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)

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)

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. (Education Code 60800; 5 CCR 1043.10)

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

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.

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.

VISTA UNIFIED SCHOOL DISTRICT

Business and Non-instructional Operations

BOARD POLICY NO. 3550: FOOD SERVICE/CHILD NUTRITION PROGRAM

The Board of Trustees recognizes the important connection between a healthy diet and student's ability to learn effectively and achieve high standards in school. The board also acknowledges that schools play a vital role in childhood nutrition and fitness, and as part of the larger community, schools have a responsibility to promote family health and provide a strong foundation for children's future health and well being. To reinforce the District's nutrition education program, 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.
2. Meet or exceed nutritional standards specified in law and administrative regulations.
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.
5. Be sold at reasonable prices.

The Superintendent or designee shall develop strategies designed to encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus.

The Superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation. School cafeterias shall comply with the sanitation and safety requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.

Professional development for food service personnel shall include nutrition education and safe food handling. In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of food borne hazards at each step of the food preparation process, from receiving to service.

The Superintendent or designee shall annually report to the Board regarding the Districts compliance with state and federal nutrition standards for foods and beverages.

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*
49550-49561 *Meals for needy students*
49565-49565.8 *California Fresh Start pilot program*
49570 *National School Lunch Act*

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*

15566-15568 *California Fresh Start Program*

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

UNITED STATES CODE, TITLE 42

1751-1769h *School lunch programs, including:*

1751 *Note Local wellness policy*

1771-1791 *Child nutrition, especially:*

1773 *School breakfast program*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*

220.1-220.21 *National School Breakfast Program*

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VISTA UNIFIED SCHOOL DISTRICT

ADMINISTRATIVE REGULATION NO. 3550

Business and Non-instructional Operations

FOOD SERVICE/CHILD NUTRITION PROGRAM

Nutritional Standards for Elementary Schools

At each elementary school, the only foods that may be sold to a student during the school day are either: (Education Code 49431)

1. Full meals, defined by Education Code 49430 as a combination of food items that meet National School Lunch or Breakfast Program meal pattern requirements or the state's menu planning options of Shaping Health as Partners in Education (SHAPE); or
2. Individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes

Nutritional Standards for National School Lunch and Breakfast Program

Any school participating in the National School Lunch Program and/or School Breakfast Program pursuant to 42 USC 1751-1769h and 1771-1791 shall serve meals that, on average over each school week: (Education Code 49531; 42 USC 1758, 1773; 7 CFR 210.10, 220.8)

1. Meet the nutrient levels and calorie requirements appropriate for the ages/grade levels served and the menu planning approach used, as specified in 7 CFR 210.10 or 220.8
2. Provide one-fourth (breakfast) or one-third (lunch) of the Recommended Dietary Allowances for protein, calcium, iron, vitamin A, and vitamin C appropriate for the ages/grade levels served and the menu planning approach used
3. Comply with applicable Dietary Guidelines for Americans which recommend:
 - a. Limiting the percentage of calories from saturated fat to less than 10 percent of total calories offered
 - b. Limiting the percentage of calories from total fat to 30 percent of total calories offered
 - c. Reducing sodium and cholesterol levels
 - d. Increasing the level of dietary fiber

Nutritional Standards for Free and Reduced-Price Meals Program

Any school that has students who meet federal eligibility criteria for free or reduced-price meals shall: (Education Code 49430.7)

1. Ensure that meals meet National School Lunch and/or Breakfast Program nutritional guidelines or the state's menu planning options of SHAPE

2. Not sell or serve a food item that the District or school has deep fried, par fried, or flash fried, as defined in Education Code 49430, or that has been deep fried, par fried, or flash fried as part of the manufacturing process in an oil or fat prohibited by Education Code 49430.7
3. Not sell or serve a food item containing artificial trans fat, including vegetable shortening, margarine, or any kind of hydrogenated or partially hydrogenated vegetable oil unless the manufacturer's documentation or label lists the trans fat content as less than 0.5 gram per serving

Nutritional Standards for Foods Outside the National School Lunch or Breakfast Program

For food items that are not sold as part of the National School Lunch or Breakfast Program, the following nutritional standards shall apply:

1. At each elementary school, an individually sold dairy or whole grain food item may be served to students if it meets all of the following standards: (Education Code 49431)
 - a. Not more than 35 percent of its total calories are from fat.
 - b. Not more than 10 percent of its total calories are from saturated fat.
 - c. Not more than 35 percent of its total weight is composed of sugar, including naturally occurring and added sugar.
 - d. Its total calories do not exceed 175 calories.
2. For foods sold to students in middle, junior high, and high schools: (Education Code 49430, 49431.2)
 - a. Each entree item shall:
 - (1) Not exceed 400 calories
 - (2) Contain no more than four grams of fat per 100 calories
 - (3) Be categorized as an entree item in the National School Lunch or Breakfast Program
 - b. For each snack item that supplements a meal:
 - (1) Not more than 35 percent of its total calories shall be from fat, excluding nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruits, vegetables that have not been deep fried, or legumes.
 - (2) Not more than 10 percent of its total calories shall be from saturated fat, excluding eggs or cheese packaged for individual sale.
 - (3) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar, excluding fruits or vegetables that have not been deep fried.
 - (4) Its total calories shall not exceed 250 calories.

3. Beginning July 1, 2009, any food provided to K-12 students during school hours and within one-half hour before and after school shall not contain or have been prepared with artificial trans fat, including vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, unless the manufacturer's documentation or label lists the trans fat content as less than 0.5 grams per serving. (Education Code 49431.7)

Nutritional Standards for Beverages

The only beverages that may be sold to elementary students, regardless of the time of day, are: (Education Code 49431.5)

1. Fruit-based drinks (no more than 8 oz serving size) that are composed of no less than 50 percent fruit juice and have no added sweetener
2. Vegetable-based drinks (no more than 8 oz serving size) that are composed of no less than 50 percent vegetable juice and have no added sweetener
3. Drinking water with no added sweetener
4. Milk (no more than 8 oz serving size) that is 1 percent fat, 2 percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk

The only beverages that may be sold to middle school or junior high school students from one-half hour before the start of the school day until one-half hour after the end of the school day are: (Education Code 49431.5)

1. Fruit-based drinks (no more than 12 oz serving size) that are composed of no less than 50 percent fruit juice and have no added sweetener
2. Vegetable-based drinks (no more than 12 oz serving size) that are composed of no less than 50 percent vegetable juice and have no added sweetener
3. Drinking water with no added sweetener
4. Milk (no more than 12 oz serving size) that is 1 percent fat, 2 percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk
5. Electrolyte replacement beverages that contain no more than 42 grams of added sweetener per 12 ounce serving

At least 50 percent of the beverages sold to high school students from one-half hour before the start of the school day until one-half hour after the end of the school day shall be those specified in items #1-5 above. Beginning July 1, 2009, all of the beverages sold to high school students from one-half hour before the start of the school day until one-half hour after the end of the school day shall meet the standards specified in items #1-5 above. (Education Code 49431.5)

Food Safety

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

For all District schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a school food safety program for the preparation and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) principles. (42 USC 1758)

The District's HACCP plan shall be in writing and shall address the components specified in Health and Safety Code 114419.1 including, but not limited to, methods for determining control measures needed to prevent hazards at each stage of food production, monitoring of the implementation of the food safety program, establishment of corrective actions to be taken if the proper time or temperature range is not met, training of food service employees and supervisors on food safety issues, recordkeeping, and periodic review of the food safety program.

The Superintendent or designee shall designate at least one staff member to be responsible for verification of the HACCP plan and shall provide the designated staff member with training in HACCP principles and the contents of the plan. Records of the training shall be retained for the duration of employment or a period of not less than two years, whichever is greater. In addition, the Superintendent or designee shall provide applicable HACCP training to food service employees who work in food preparation and shall document the date, trainer, and subject of the training. (Health and Safety Code 114419.2)

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

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

All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (42 USC 1758; 7 CFR 210.13, 220.7; Health and Safety Code 113725.1)

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VISTA UNIFIED SCHOOL DISTRICT

Business and Non-instructional Operations

BOARD POLICY NO. 3554: OTHER FOOD SALES

The Board of Trustees 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.

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.

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. All vending machines in the District shall be under the responsibility of the Child Nutrition Services Department.

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*

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VISTA UNIFIED SCHOOL DISTRICT

ADMINISTRATIVE REGULATION NO. 3554

Business and Non-instructional Operations

OTHER FOOD SALES

Nutritional Standards for Foods and Beverages

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.

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 hour after the end of the school day.

At 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 hour after the end of the school day.

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

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

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)

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)

In a school with any of grades 6-8 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. Only one organization or club may conduct a food or beverage sale on a given school day.
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 and the food sold must have been prepared in a facility having a health permit. Documentation will be required before sale may be conducted.
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.

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 club carnival group 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 but must be prepared in a facility having a health permit. Documentation will be required before sale may be conducted.
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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