

JUNE 3, 2008

SPECIAL BOARD MEETING

INFORMATION

Date: May 22, 2008

To: Bill McCabe

From: Steve Raupp



Re: Summer Curriculum Work

I am recommending that Ellen Peterson be approved for 24 hours of curriculum work this summer to develop benchmark assessments for U.S. History. This will be funded through Title 2 funds.

IV. TERMS AND TERMINATION OF AGREEMENT.

This Agreement is effective 4-18-08 and shall continue until the Group/School/District's departure from the SOS, or until termination of this Agreement by either party, whichever is earlier. Either party may terminate this Agreement upon written notice to the other party. An administrative fee shall be assessed against the Group/School/District as set forth in Article III.

V. ADDITIONAL PROVISIONS.

- A. **Assignment.** This Agreement shall not be assignable by the Group/School/District without the written consent of CUSD, except to a successor in interest.
- B. **Entire Agreement.** This Agreement represents the total and complete understanding of the parties regarding the subjects set forth herein. Any other oral understandings or prior understandings shall have no force or effect.
- C. **Amendment of Agreement.** This Agreement cannot be changed or supplemented orally and may be modified or suspended only by written instrument executed by the parties.
- D. **Authorized Signatories.** The signatories of this Agreement warrant that they represent the respective parties herein and are authorized to commit to all provisions in this Agreement on behalf of the respective parties.
- E. **Modification of Program.** CUSD RESERVES THE RIGHT TO MODIFY A GROUP/SCHOOL/DISTRICT'S PROGRAM IN THE EVENT THAT THE GROUP/SCHOOL/DISTRICT ARRIVES LATE AT THE SOS.
- F. **Limit on Participants.** Due to space availability, CUSD reserves the right to limit the number of adult participants, in excess of the 1:10 ratio set forth in Section I.C., wishing to attend from a Group/School/District if the number of students or minor participants attending during the reservation period is significantly higher than the projected participant numbers listed in this Agreement at the time of signing. Paragraph I of Section I outlines the procedure for bringing additional students over the number indicated on the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement of the day and year set forth herein below.

CLOVIS UNIFIED SCHOOL DISTRICT

Dated: 2-19-08

By: Michael Olmehalk, Director  
Sierra Outdoor School

SCHOOL YEAR: 2008-2009

DATES OF ATTENDANCE AT THE SIERRA OUTDOOR SCHOOL: Oct. 15-17

Please complete the information below.

FORMS NOT COMPLETEDLY FILLED OUT WILL BE RETURNED

Governing Board Approval Date: 6/17/08  
 Projected Number of Participants: 20  
 Number of Chaperones (1:10 Ratio): 2  
 Teacher/Contact: Ms. Stephanie Smith  
(Print)  
 Teacher/Contact E-mail: ssmith@yosemiteusd.com  
 Contact Phone Number: (559) 683-4842  
 Authorizations:  
 Participant Fee: \$ 154.00  
 Governing Board/Business Manager/Principal  
 Of: YOSEMITE USD / COARSEGOLD SCHOOL  
Group/School/District  
 Title: PRINCIPAL  
 By: Mr. Randal Haggard  
Print Signatory's Name  
Administrative Signature  
 Date Signed: 5/27/08

PLEASE SIGN AND RETURN A COPY OF THIS AGREEMENT BY MAIL OR FAX TO:  
 SIERRA OUTDOOR SCHOOL  
 15700 OLD OAK RANCH ROAD  
 SONORA, CALIFORNIA 95370  
 FAX (209) 532-4196  
 QUESTIONS? (209) 532-3691

Billing Address:  
 Name/School: COARSEGOLD SCHOOL  
 School District: YOSEMITE U.S.D.  
 Address: 50200 ROAD 427  
 City/State/Zip: Oakhurst, CA. 93644  
 Phone: (559) 683-8801  
 Fax: (559) 683-4160

## **Students**

**BP 5030 (a)**

### **Student Wellness**

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity in district students.

The Governing Board recognizes that students need adequate, nourishing food in order to grow, learn and maintain good health. The Board desires to provide students with adequate space and time to eat meals. Students shall have a minimum of 30 minutes to eat lunch and 20 minutes to eat breakfast, when provided. To reinforce the district's nutrition education program, foods available on school premises shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease
2. Meet nutritional standards specified in law and administrative regulation
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 quantities and at reasonable prices

*(cf. 3312 - Contracts)*

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

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

*(cf. 3554 - Other Food Sales)*

*(cf. 5141.32 - Child Health and Disability Prevention Program)*

*(cf. 6142.8 - Comprehensive Health Education)*

The Superintendent and/or the food service manager 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. Parents/guardians are encouraged to support the district's nutrition education efforts by considering nutritional quality when selecting any snacks which they may donate for occasional class parties.

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 and with all other requirements governing school cafeterias including the guidelines for free and reduced meals.

The Board shall establish a Child Nutrition and Physical Activity Advisory Committee to develop school district policies on nutrition and physical activity for recommendation to and approval by the Board. (Education Code 49433)

The membership of the Child Nutrition and Physical Activity Advisory Committee shall include, but need not be limited to, Board members, school administrators, food service directors, staff,

## **Students**

### **Student Wellness**

#### **Child Nutrition and Physical Activity Advisory Committee**

parents/guardians, students, physical and health education teachers, health care professionals and interested community members. (Education Code 49433).

In developing such policies on nutrition and physical activity, the Committee shall hold at least one public hearing and shall ensure that the policies address all the issues and goals specified in Education Code 49433. (Education Code 49433)

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 6142.7 - Physical Education)*

*Legal Reference:*

**EDUCATION CODE**

*38080-38103 Cafeteria, establishment and use*

*45103.5 Contracts for management consulting services; restrictions*

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

*49490-49493 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*

*49550-49560 Meals for needy students*

*49570 National School Lunch Act*

**HEALTH AND SAFETY CODE**

*113700-114455 California Uniform Retail Food Facilities Law*

**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 School lunch programs*

*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*

*Management Resources:*

**CSBA PUBLICATIONS**

*Healthy Food Policy Resource Guide, 2003*

**CDC PUBLICATIONS**

*School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000*

**NASBE PUBLICATIONS**

*Fit, Healthy and Ready to Learn, 2000*

**USDA PUBLICATIONS**

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

## **Students**

### **Student Wellness**

#### *WEB SITES*

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

*American School Food Service Association (ASFSA): <http://www.asfsa.org>*

*CDE, Nutrition Services Division/ SHAPE California: <http://www.cde.ca.gov/nsd>*

*CDHS, School Health Connections: <http://www.mch.dhs.ca.gov/programs/shc/shc.htm>*

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

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

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

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

*U.S. Dept. of Agriculture, Food and Nutrition Information Center (FNIC): <http://www.nal.usda.gov/fnic>*

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

#### **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)

(cf. 6142.7 - Physical Education)

Each school also may post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education. (Education Code 49432)

#### **Nutritional Standards**

A minimum of 50% of the food sold by the district on school grounds during regular school hours shall be from the list of nutritious foods provided in Education Code 38085. (Education Code 38085)

However, when the California Department of Education determines that funds are appropriated pursuant to Education Code 49431, the Superintendent or designee shall ensure that elementary schools instead comply with the following nutritional standards per EC 49430-49436.

(cf. 3554 - Other Food Sales)

1. The only food that may be sold to students during breakfast and lunch periods is food that is sold as a full meal. However, fruits, non-fried vegetables, legumes, beverages, dairy products or whole grain products may be sold as individual food items if:

a. Not more than 35 percent of the total calories of the food item, excluding nuts or seeds and also excluding eggs and cheese packaged for individual sale, is from fat.

b. Not more than 10 percent of the food item's total calories is from saturated fat.

## **Students**

### **Student Wellness**

c. Not more than 35 percent of the total weight of the food item, excluding fruits or vegetables, is composed of sugar. (Less than 125 calories per item for elementary school and less than 250 calories per item for middle and high school.)

2. Any individual food item sold to students during morning or afternoon breaks shall meet the standards in item #1a-c above.

Beginning July 1, 2004, for elementary schools, and August 2005 for high schools, the following nutritional standards shall apply to all beverages provided in the district's food services program: (Education Code 49431.5)

1. Regardless of the time of day, the only beverages that may be sold to elementary students are water with no added sweeteners, milk, 100 percent fruit juices with no added sweeteners, fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners, or vegetable juice with no less than 50 percent vegetable and no added sweeteners.

2. The only beverages that may be sold to middle school and high school students from one-half hour before the start of the school day until after the end of the last lunch period are:

a. Fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners or vegetable juice with no less than 50 percent vegetable and no added sweeteners.

b. Drinking water with no added sweeteners.

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

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

For schools participating in the National School Lunch and School Breakfast Programs, meals shall also meet the nutritional standards, as well as the nutrient and calorie levels for students of each age or grade group, required by 7 CFR 210.10 and 220.8. District guidelines for reimbursable

school meals shall not be less restrictive than the federal regulations and guidance issued pursuant to 42 USC 1758 (f) (1), 1766 (a) and 1779 (a) and (b) as they apply to schools and will be monitored by the food service manager.

(cf. 3533 - Free and Reduced Price Meals)

## **Students**

### **Student Wellness**

High school students may accept at least three meal components, and may accept at least three meal components at breakfast. (7 CFR 210.10, 220.8)

(cf. 0500 - Accountability)

The Board shall involve parents/guardians, students, school food service professionals, school administrators, Board representatives and members of the public in the process of developing the districtwide wellness policy. (42 USC 1751)

(cf. 9140 - Board Representatives)

The Board may utilize existing school health councils or other committees, or may establish an advisory committee or working groups including representatives of the above groups, to develop policy recommendations.

(cf. 1220 - Citizen Advisory Committees)

The council or committee shall examine related research and laws, assess student needs and the current school environment, review current Board policies and administrative regulations, and raise awareness about student health issues. The council or committee may survey parents/guardians and/or students, conduct community forums or focus groups, collaborate with appropriate community agencies and organizations, or engage in similar activities within the budget established for these purposes.

The council or committee shall provide periodic reports to the Superintendent or designee regarding the status of its work. Following the adoption of the Wellness Policy, prior to the beginning of the 2006-07 school year, the committee shall prepare a Wellness Plan to address nutrition and physical activity throughout the district pursuant to the adopted Wellness Policy.

Items to be included in the plan shall be:

1. Outreach strategies to encourage families to reinforce and support healthy eating and physical activity.
2. Ways the district will measure the implementation of the policy. The superintendent will appoint one person at each site to ensure that the policy is implemented and to report to the district level person responsible for the policy. The district person will be appointed by the superintendent.
3. Guidelines for age-appropriate, skill-building nutrition education at each grade level that is focused on behavior change.

## **Students**

### **Student Wellness**

4. Cost estimates of implementing the recommended strategies and potential funding sources.
5. Priorities for implementing the recommended strategies
6. Processes for evaluating the Board's wellness policy, including evaluation methods, indicators that will be used to measure success, and frequency of reports.

### **Free And Reduced Price Meals**

The Governing Board recognizes that adequate nutrition is essential to child development and learning and that some families may be unable to provide breakfast and lunch for their children. In accordance with law, the district shall provide nutritionally adequate free and reduced price meals for students whose families meet federal eligibility criteria.

The Superintendent or designee shall recommend for Board approval a plan that ensures that students eligible to receive free or reduced price meals and milk are not treated differently from other students or easily identified by their peers.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*

Upon approval of the Board, this plan shall be submitted to the California Department of Education for approval. (Education Code 49557)

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

In accordance with law, the Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program for the purpose of:

(Education Code 49558)

1. Disaggregation of academic achievement data
2. Identification of students eligible for school choice and supplemental educational services in any school identified for program improvement

*(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)*  
*(cf. 6190 - Evaluation of the Instructional Program)*

## Students

### Student Wellness

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 as provided by Education Code 49557.2.

*(cf. 5141.6 - Student Health and Social Services)*

*Legal Reference:*

*EDUCATION CODE*

*48980 Notice at beginning of term*

*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*

*49550-49560 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*

*1751-1769 National lunch programs*

*1771-1791 Child nutrition*

*CODE OF FEDERAL REGULATIONS, TITLE 7*

*245.1-245.13 Determination of eligibility for free and reduced price meals*

*Management Resources:*

*CDE LEGAL ADVISORIES*

*0325.98 Education Code Section 49558 LO: 1-98*

*CSBA PUBLICATIONS*

*Healthy Food Policy Resource Guide, 2003*

*USDA PUBLICATIONS*

*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>*

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

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

*California Project LEAN: <http://www.californiaprojectlean.org>*

*U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>*

### **Free and Reduced Price Meals**

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

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 entrance, or consume their meals or milk at a different time.

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)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*

### **Applications**

An application form for free or reduced price meals shall be distributed to all parents/guardians at the beginning of each school year, together with information about eligibility standards, application procedures, and appeal procedures. This form and information shall also be provided whenever a new student is enrolled. (Education Code 49520, 48980; 7 CFR 245.5)

*(cf. 5145.6 - Parental Notifications)*

Applications for free or reduced price meal programs shall be available to students at all times during the regular school day and shall contain the following statements: (Education Code 49557; 7 CFR 245.5)

1. Applications for free or reduced price meals may be submitted at any time during a school year.
2. Students participating in the National School Lunch and School Breakfast Programs will not be overtly identified by the use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.

The application packet also shall contain:

1. A notification that, if a student qualifies for free or reduced price meals, then he/she may qualify for free or reduced-cost health insurance coverage

### **Free and Reduced Price Meals**

2. A request for the applicant's consent for the student, if eligible for free school lunches, to participate in the Medi-Cal program and to have the information on the school lunch application shared with the local agency that determines eligibility under the Medi-Cal program
3. A notification that the district will not forward the application to the agency that determines Medi-Cal eligibility without the parent/guardian's consent
4. A notification that the application is confidential and, with the exception of forwarding the information for use in health program enrollment, will not be shared with any other governmental agency for any purpose other than the administration of the Medi-Cal program
5. A notification that the application information will be used only by the state and local agencies that administer the Medi-Cal program and will not be shared with other government agencies, including the federal Department of Homeland Security and the Social Security Administration, except as necessary to verify information provided by the applicant
6. Information regarding the Medi-Cal program, including available services, program requirements, rights and responsibilities, and privacy and confidentiality requirements

(cf. 5141.6 - Student Health and Social Services)

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

The Governing Board designates the following district employee to use individual records pertaining to student participation in the free or reduced price meal 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:

#### **Principal Director of Special Programs**

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 or reduced price meal 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 or reduced price meal 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.

## Free and Reduced Price Meals

4. Information collected regarding individual students certified to participate in the free or reduced price meal program shall be maintained for the current year plus three additional years as mandated by the USDA.

## Other Food Sales

The Governing Board authorizes the Superintendent or designee to approve the sale of food items and beverages outside the district's food services program, including sales by student or adult organizations, sales through vending machines and/or sales at secondary school student stores for fundraising purposes. The Governing Board also authorizes schools to offer food and beverages as rewards for academic performance or good behavior as long as these foods meet all of the district guidelines for nutrition and the food is given free to students; if the food is sold, it must meet all of the previously designated guidelines.

Any food sales conducted outside the district's food services program shall meet nutritional standards specified in law, Board policy and administrative regulations and shall not impair 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)*

Food sales are prohibited during school hours, and within one hour before or after school hours, unless the organization is legally organized as a nonpartisan, charitable organization, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved in accordance with Board policy. (Education Code 51520)

*(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*

*38085 Sale of specified food items*

*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*

#### *HEALTH AND SAFETY CODE*

## Free and Reduced Price Meals

*113700-114455 California Uniform Retail Food Facilities Law, including:*

*114200-114245 Vending machines*

*UNITED STATES CODE, TITLE 42*

*1751-1769h National School Lunch Act*

*1771-1791 Child Nutrition*

*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*

*Healthy Food Policy Resource Guide, 2003*

*CDC PUBLICATIONS*

*School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000*

*NASBE PUBLICATIONS*

*Fit, Healthy and Ready to Learn, 2000*

*USDA PUBLICATIONS*

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

*FCMAT PUBLICATIONS*

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

*WEB SITES*

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

*CDE, Nutrition Services Division/SHAPE California: <http://www.cde.ca.gov/nsd>*

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

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

*Fiscal and Crisis Management Assistance Team: <http://www.fcmat.org>*

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

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

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

*US Dept. of Agriculture, Food and Nutrition Information Center (FNIC): <http://www.nal.usda.gov/fnic>*

## Other Food Sales (AR)

### Nutritional Standards

A minimum of 50% of the food sold by any entity on school grounds during regular school hours shall be from the list of nutritious foods provided in Education Code 38085. (Education Code 38085)

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

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

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

However, when the California Department of Education determines that funds are appropriated pursuant to Education Code 49431, the Superintendent or designee shall ensure that elementary schools instead comply with the nutritional standards of Education Code 49431. Under these circumstances, an elementary school may permit the sale of food items that do not meet the standards of Education Code 49431 only if the items are sold by students of the school and the

### **Free and Reduced Price Meals**

sale of food items takes place off school premises or takes place at least one-half hour after the end of the school day. (Education Code 49431)

Beginning July 1, 2004, the sale of beverages shall comply with the nutritional standards of Education Code 49431.5, except that sales not meeting these standards may be permitted when: (Education Code 49431.5)

1. For a school fundraising event conducted by students at an elementary school, the sale of beverages takes place off school premises or takes place at least one-half hour after the end of the school day.
2. For a middle or junior high school, the sale occurs during a school-sponsored event and takes place at the location of the event after the end of the school day.
3. Vending machines, student stores and cafeterias at a middle or junior high school are not used sooner than one-half 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 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)

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

1. The student organization may sell one food item per sale.
2. The specific nutritious food item is approved by the Superintendent or designee.
3. The food sales do not begin until after the close of the regularly scheduled midday food service period.
4. The sales during the regular school day are not of food items prepared on the premises.
5. There are no more than four such sales per year per school.

### Free and Reduced Price Meals

6. The food sold is not one sold in the district's food service program at that school during that school day.

(cf. 3553 - Free and Reduced Price Meals)

In high schools and junior 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 food sales 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. The sales during the regular school day are not of food items 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.

### Advertising And Promotion

The Governing Board desires to promote positive relationships between schools and the community in order to enhance community support and involvement in district schools. The Superintendent or designee may approve the following if they are in compliance with this Wellness Policy:

1. Paid advertisements on school property, including but not limited to billboard advertisements
4. Paid advertisements in school-sponsored publications, yearbooks, announcements and other school communications

(cf. 1113 - District and School Web Sites)

The Superintendent, principal or designee may selectively approve or disapprove distribution of materials or publishing of copy based on the criteria listed below, but may not disapprove materials or copy in an arbitrary or capricious manner or in a way that discriminates against a particular viewpoint on a subject that would otherwise be allowed.

All materials to be distributed shall bear the name and contact information of the sponsoring entity.

The use of promotional materials or advertisements does not imply district endorsement of any identified products or services. Schools are encouraged to include a disclaimer in school

## Free and Reduced Price Meals

publications and yearbooks stating that the school does not endorse any advertised products or services.

### Criteria for Approval

The Superintendent, principal or designee shall not accept for distribution any materials or advertisements that promote the use or sale of materials or services that are illegal or inconsistent with school objectives.

Schools may establish additional criteria pertaining to the content of advertisements in school publications and yearbooks. Such criteria may limit advertisements to those that contain congratulatory or commemorative messages, curriculum-related content, advertisements for products or services of interest to students, noncontroversial content, and/or other content deemed appropriate by the school publication staff and adviser in accordance with law and Board policy.

#### *Legal Reference:*

##### *EDUCATION CODE*

*7050-7058 Political activities of school officers and employees*

*35160 Authority of governing boards*

*35160.1 Broad authority of school districts*

*35172 Promotional activities*

*38130-38138 Civic Center Act*

*48907 Student exercise of free expression*

##### *BUSINESS AND PROFESSIONS CODE*

*25664 Advertisements encouraging minors to drink*

##### *U.S. CONSTITUTION*

*Amendment 1, Freedom of speech and expression*

##### *COURT CASES*

*DiLoreto v. Downey Unified School District, (1999) 196 F.3d 958*

*Yeo v. Town of Lexington, (1997) U.S. First Circuit Court of Appeals, No. 96-1623*

*Hemry v. School Board of Colorado Springs, (D.Col. 1991) 760 F.Supp. 856*

*Bright v. Los Angeles Unified School District, (1976) 134 Cal. Rptr. 639, 556 P.2d 1090, 18 Cal. 3d 350*

*Lehman v. Shaker Heights, (1974) 418 U.S. 298*

## Physical Education

The Governing Board recognizes the positive benefits of physical activity for student health and academic achievement. The Board desires to provide a physical education program that 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.

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6145.2 - Athletic Competition)*

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

*(cf. 6190 - Evaluation of the Instructional Program)*

## Free and Reduced Price Meals

The Board shall approve the components of the physical education program. The district's program shall include a variety of kinesthetic activities, including team and individual sports, as well as aesthetic movement forms, such as dance.

(cf. 6143 - Courses of Study)

An appropriate alternative activity shall be provided for students with a physical disability that may restrict excessive physical exertion.

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

Physical education staff shall appropriately limit the amount or type of physical exercise required of students during air pollution episodes, hot weather or other inclement conditions.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

## Exemptions

The Superintendent or designee may grant temporary exemption from physical education under any of the following conditions:

1. The student is ill or injured and a modified program to meet his/her needs cannot be provided. (Education Code 51241)
2. The student is enrolled for one-half time or less. (Education Code 51241)

### *Legal Reference:*

#### *EDUCATION CODE*

*33350 CDE responsibilities re: physical education*

*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*

*1041-1046 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*

#### *ATTORNEY GENERAL OPINIONS*

*53 Ops.Cal.Atty.Gen. 230 (1970)*

### *Management Resources:*

#### *CSBA PUBLICATIONS*

## Free and Reduced Price Meals

*Healthy Food Policy Resource Guide, 2003*

*CDE PUBLICATIONS*

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

*CDE PROGRAM ADVISORIES*

*0418.89 Physical Education, April 18, 1989*

*CDHS PUBLICATIONS*

*Jump Start Teens, 1997*

*Playing the Policy Game, 1999*

*School Idea and Resource Mini Kit, 2000*

*CDC PUBLICATIONS*

*School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000*

*NASBE PUBLICATIONS*

*Fit, Healthy and Ready to Learn, 2000*

*WEB SITES*

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

*CDE, Nutrition Services Division/SHAPE California: <http://www.cde.ca.gov/nsd>*

*CDHS, School Health Connections: <http://www.mch.dhs.ca.gov/programs/shc/shc.htm>*

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

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

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

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

*Centers for Disease Control and Prevention (CDC): <http://www.cdc.gov>*

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 one through six and 400 minutes each 10 school days. (Education Code 51222)

Students in grades 10-12 who are exempted 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. 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 51241, 52316)

## Physical Performance Testing

During the month of February, March, April or May, students in grades 5, 7 and 9 shall undergo the physical performance testing designated by the State Board of Education. 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)

(cf. 6162.5 - Student Assessment)

Students shall be provided with their individual results after completing the physical performance testing. The test results may be provided orally as the student completes the testing. (Education Code 60800)

## Free and Reduced Price Meals

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

## Comprehensive Health Education

The Governing Board believes that health education should foster the knowledge, skills and behaviors that students need in order to lead healthy, productive lives. The district's health education program shall teach personal responsibility for one's own lifelong health, respect for and promotion of the health of others, the process of growth and development, and informed use of health-related information, products and services.

The district shall provide a planned, sequential health education curriculum for students that is research based and age appropriate. The content of health instruction shall be offered in accordance with law, Board policy, administrative regulation and state curriculum frameworks.

(cf. 6143 - Courses of Study)

The Board intends for health education to be part of a comprehensive district program to promote the health and well-being of students and staff. Instruction in health-related topics shall be supported by physical education, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment.

*(cf. 3513.3 - Tobacco-Free Schools)*  
*(cf. 3514 - Environmental Safety)*  
*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 4020 - Drug and Alcohol-Free Workplace)*  
*(cf. 4119.43/4219.23/4319.23 - Universal Precautions)*  
*(cf. 5141.23 - Infectious Disease Prevention)*  
*(cf. 5141.3 - Health Examinations)*  
*(cf. 5141.6 - Student Health and Social Services)*  
*(cf. 5142 - Safety)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)*  
*(cf. 6142.7 - Physical Education)*  
*(cf. 6164.2 - Guidance/Counseling Services)*

*Legal Reference:*

### *EDUCATION CODE*

*233.5 Duty concerning instruction of students*  
*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*  
*49490-49493 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*  
*51220.5 Parenting skills; areas of instruction*  
*51260-51269 Drug education*

## Free and Reduced Price Meals

*51265 Gang violence and drug and alcohol abuse prevention inservice*

*51513 Personal beliefs*

*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**

*Healthy Food Policy Resource Guide, 2003*

**CDE PUBLICATIONS**

*Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003*

**CDHS PUBLICATIONS**

*Jump Start Teens, 1997*

*Playing the Policy Game, 1999*

*School Idea and Resource Mini Kit, 2000*

**WEB SITES**

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

**CDE:** <http://www.cde.ca.gov>

**CDHS, School Health Connections:** <http://www.mch.dhs.ca.gov/programs/shc/shc.htm>

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

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

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

**National Hearing Conservation Association:** <http://www.hearingconservation.org>

## Content of Instruction

The district's health education program shall include instruction to aid students in making decisions in matters of personal, family and community health, including the following topics: (Education Code 51890)

1. The use of health care services and products
2. Mental and emotional health and development
3. Use and misuse of drugs, including tobacco and alcohol
4. Family health and child development, including the legal and financial aspects and responsibilities of marriage and parenthood
5. Oral health, vision and hearing
6. Nutrition, which may include related topics such as obesity and diabetes prevention
7. Exercise, rest and posture
8. Diseases and disorders, including sickle cell anemia and related genetic diseases and disorders
9. Environmental health and safety

## Free and Reduced Price Meals

### 10. Community health

#### Involvement of Health Professionals

Health care professionals also shall be involved in the development and implementation of the district's health education plan and in course evaluation. Such professionals shall represent, at the district's option, the varied fields of health care, including voluntary collaborations with managed health care and health care providers; local public and private health, safety and community service agencies; and other appropriate community resources. (Education Code 51913)

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

As it deems appropriate, the council or committee may make policy recommendations related to other health issues that are necessary to promote student and staff health.

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.61 - Drug Testing)*

*(cf. 5131.62 - Tobacco)*

*(cf. 5131.63 - Anabolic Steroids)*

*(cf. 5141 - Health Care and Emergencies)*

*(cf. 5141.3 - Health Examinations)*

*(cf. 5141.31 - Immunizations)*

*(cf. 5141.32 - Health Screening for School Entry)*

*Legal Reference:*

*EDUCATION CODE*

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

*49490-49493 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*

*49550-49560 Meals for needy students*

*49570 National School Lunch Act*

*51222 Physical education*

*51223 Physical education, elementary schools*

*CODE OF REGULATIONS, TITLE 5*

## Free and Reduced Price Meals

15500-15501 Food sales by student organizations

15510 Mandatory meals for needy students

CODE OF REGULATIONS, TITLE 5 (continued)

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

Management Resources:

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, rev. 2005

CDE PUBLICATIONS

Health Framework for California Public School, Kindergarten Through Grade Twelve, 2003

CDC PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2004

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION (NASBE) PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

USDA PUBLICATIONS

Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, Team Nutrition, Food and Nutrition Services, 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 Health Services: <http://www.mch.dhs.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 (CDC): <http://www.cdc.gov>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.boards@nasbe.org>

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

School Nutrition Association: <http://www.asfsa.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture: [http://www.fns.usda.gov/tn/Healthy/wellnesspolicy\\_steps.html](http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html)