

IV. Sample Board Policies

More than 80 percent of the school districts in California rely on CSBA's Policy Services to meet their policy needs. CSBA develops sample policies using the following process:

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

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

The following sample board policies and administrative regulations relating to student health and nutrition are included in this guide:

BP 0200	Goals for the School District
BP/AR 3550	Food Service/Child Nutrition Program
BP/AR 3553	Free and Reduced-price Meals
BP/AR 3554	Other Food Sales
BP 5030	Student Wellness
BP/AR 6142.7	Physical Education
BP 6142.8	Comprehensive Health Education

Note: CSBA's sample policies and administrative regulations are regularly reviewed and revised. Please check with CSBA's Policy Services to ensure you have the most recent version by calling (800) 266-3382. Revisions to the above-referenced policies and administrative regulations will be posted at www.csba.org/ps/hf.htm.

To learn more about CSBA's Policy Services visit us at www.CSBA.org/ps.

CSBA Sample Board Policy

Philosophy-Goals-Objectives and Comprehensive Plans BP 0200

GOALS FOR THE SCHOOL DISTRICT

The Governing Board shall adopt long-term goals for achieving the district's overall vision for its schools as well as clear performance standards and benchmarks which can be used to determine if the district is meeting these goals. Goals shall be limited in number so as to be reasonably achievable within established timelines.

(cf. 0000 - Vision)
(cf. 0100 - Philosophy)
(cf. 0500 - Accountability)
(cf. 6010 - Goals and Objectives)
(cf. 9000 - Role of the Board)

The Superintendent or designee may establish short-term, interim objectives and comprehensive plans to ensure adequate, regular progress toward the district's long-term goals.

(cf. 0400 - Comprehensive Plans)

Note: Districts are encouraged to replace the list of goals below with their own locally developed goals.

The district's goals are to:

1. Maintain safe and orderly campuses which promote learning
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5144 - Discipline)
2. Provide appropriate instruction to meet the varied academic and career goals of students by identifying and responding to individual student needs
(cf. 6000 - Concepts and Roles)
(cf. 6030 - Integrated Academic and Vocational Instruction)
3. Ensure that all students achieve academic proficiency in essential areas of skill and knowledge
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

4. Provide for the specialized needs of identified groups of students

(cf. 6164.4 - Identification of Individuals for Special Education)
(cf. 6164.6 - Identification and Education under Section 504)
(cf. 6171 - Title I Programs)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)

5. Promote student health and nutrition in order to enhance readiness for learning

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3553 - Free and Reduced-price Meals)
(cf. 3554 - Other Food Sales)
(cf. 6142.7 - Physical Education)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6145.2 - Athletic Competition)

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

(cf. 5137 - Positive School Climate)
(cf. 6141.6 - Multicultural Education)

7. Provide time and resources for collaboration, planning and professional development for all staff

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

8. Maintain fiscal integrity for the district

(cf. 3100 - Budget)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 3460 - Financial Reports and Accountability)

9. Improve the organization, management and decision-making structure and capabilities of the district to better support the education of students

(cf. 0420.5 - School-Based Decision Making)
(cf. 2000 - Concepts and Roles)

10. Employ technology in ways that enhance learning, teaching and noninstructional operations

(cf. 0440 - District Technology Plan)
(cf. 4040 - Employee Use of Technology)
(cf. 6162.7 - Use of Technology in Instruction)
(cf. 6163.4 - Student Use of Technology)

11. Provide and maintain facilities to meet the needs of present and future students

(cf. 7000 - Concepts and Roles)

(cf. 7110 - Facilities Master Plan)

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

(cf. 1220 - Citizen Advisory Committees)

(cf. 1240 - Volunteer Assistance)

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

(cf. 6020 - Parent Involvement)

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

(cf. 1020 - Youth Services)

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

14. Provide a system of shared accountability for student achievement with clear performance standards and consequences

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4215 - Evaluation/Supervision)

(cf. 4315 - Evaluation/Supervision)

(cf. 6162.5 - Student Assessment)

(cf. 9400 - Board Self-Evaluation)

Legal Reference:

EDUCATION CODE

51002 Local development of programs based on stated philosophy and goals

51020 Definition of goal

51021 Definition of objective

Management Resources:

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

Maximizing School Board Leadership: Vision, 1996

WEB SITES

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

(10/95 2/98) 3/03

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CSBA Sample Board Policy

Business and Noninstructional Operations BP 3550

FOOD SERVICE/CHILD NUTRITION PROGRAM

Note: The following optional policy addressing the district's food services program and cafeteria may be revised as desired to reflect district practice. For food sales outside the district's food services program (e.g., by student and adult organizations, through vending machines and at student stores), see BP/AR 3554 - Other Food Sales.

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. 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

Note: Information about nutritional standards is presented in the accompanying administrative regulation.

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)

Note: Pursuant to 7 CFR 210.12, districts participating in the National School Lunch Program are encouraged to promote activities to involve students and parents/guardians in the program. The following optional paragraph reflects this intent and should be revised to reflect district practice.

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. 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.

Child Nutrition and Physical Activity Advisory Committee

Note: The following optional section is for use by districts that choose to establish a Child Nutrition and Physical Activity Advisory Committee pursuant to Education Code 49433. Education Code 49433 authorizes districts that maintain at least one elementary or middle school, or a high school participating in a pilot program pursuant to Education Code 49433.7, to convene a Child Nutrition and Physical Activity Advisory Committee to develop district policies on nutrition and physical activity for recommendation to the Board.

The Board may 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, food service staff, other staff, parents/guardians, students, physical and health education teachers, dietitians, 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

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>

California Department of Health Services, School Health Connections: <http://www.dhs.ca.gov/schoolhealth>

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>

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CSBA Sample Administrative Regulation

Business and Noninstructional Operations AR 3550

FOOD SERVICE/CHILD NUTRITION PROGRAM

Posting Requirements

Note: Pursuant to Education Code 49432, the following posting requirement must be implemented by January 1, 2004.

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)

Note: Education Code 49432 also authorizes but does not require public schools to post a summary of nutrition and physical activity laws and regulations. The following paragraph is optional.

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 percent 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)

(cf. 3554 - Other Food Sales)

Note: Items #1-2 below are for use by districts maintaining elementary schools. For these schools, Education Code 49431, as amended by SB 677 (Ch. 415, Statutes of 2003), will supercede the requirements of Education Code 38085 when the California Department of Education reports that state funding has been appropriated for the following purposes: (1) nutrition policy development grants pursuant to Education Code 49433, (2) support and technical assistance to school districts pursuant to Education Code 49433.5, and (3) increased meal reimbursements pursuant to Education Code 49430.5. When funding is not available, districts may choose to adopt these new standards at their discretion. Districts should check with legal counsel before modifying or terminating any contractual arrangements.

The following paragraph may be modified to indicate the position(s) responsible for approving food selections for compliance with Education Code 49431. In addition, districts with middle or high schools participating in a pilot program

pursuant to Education Code 49433.7, which are also subject to the nutritional standards of Education Code 49431, should modify the following paragraph to reflect the grade levels and circumstances of the district.

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: (Education Code 49431)

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 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, is from fat.
 - b. Not more than 10 percent of the food item's total calories is from saturated fat.
 - c. Not more than 35 percent of the total weight of the food item, excluding fruits or vegetables, is composed of sugar.
2. Any individual food item sold to students during morning or afternoon breaks shall meet the standards in item #1a-c above.

Note: SB 677 (Ch. 415, Statutes of 2003) added Education Code 49431.5 to make the following requirements for beverages, effective July 1, 2004. Districts should select the items that apply to grade levels offered by the district.

Beginning July 1, 2004, 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, milk, 100 percent fruit juices, or fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners.
2. The only beverages that may be sold to middle 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

- b. Drinking water
- 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

Note: The following paragraph is for use by districts that participate in the National School Lunch and School Breakfast Programs pursuant to 42 USC 1757 and 1773. If desired, such districts may choose to revise the following paragraph to apply equally to all district schools, even if some schools do not participate in the program.

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.

(cf. 3533 - Free and Reduced-price Meals)

Note: Pursuant to 7 CFR 210.10 and 220.8, meals offered through the National School Lunch and School Breakfast Programs will qualify for reimbursement even if high school students are allowed to decline up to two lunch items (provided they accept the entree) and one breakfast item as provided in Option 1 below. At the district's discretion, this "offer versus serve" option may be extended to students at all grade levels as provided in Option 2 below.

OPTION 1: High school students may decline a maximum of two menu items at lunch, provided they accept the entree, and may decline one menu item at breakfast. (7 CFR 210.10, 220.8)

OPTION 2: Students in all grades may decline a maximum of two menu items at lunch, provided they accept the entree, and may decline one menu item at breakfast.

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CSBA Sample Board Policy

Business and Noninstructional Operations BP 3553

FREE AND REDUCED-PRICE MEALS

Note: Education Code 49550-49560 require the district to provide at least one nutritionally adequate meal during each school day to students who meet federal eligibility criteria for free and reduced-price meals. The district may seek state reimbursement pursuant to Education Code 49490-49494 and federal reimbursement via the National School Lunch or School Breakfast Programs pursuant to 42 USC 1757.

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)

Note: Education Code 49558 authorizes Boards to allow district employees to use the name and eligibility status of students participating in the free and reduced-price meal program for the purpose of disaggregation of academic achievement data. However, in accordance with federal guidelines, free and reduced-price meal records may be shared for this purpose only when it is in connection with either Title I, including elements of the No Child Left Behind Act (NCLB), or the National Assessment of Educational Progress (NAEP). As amended by AB 1636 (Ch. 321, Statutes of 2004), Education Code 49558 also allows districts with schools in program improvement, pursuant to 20 USC 6316 (No Child Left Behind Act), to use this information to identify students eligible for school choice and supplemental educational services. See BP/AR 0520.2 - Title I Program Improvement Schools. Only the name and meal eligibility status of a student may be shared for this purpose. Information regarding a student's participation in the program (e.g., household size and income, the record of meals served to that student) is confidential.

Districts wishing to use free and reduced-price meal records for these purposes are mandated to adopt a policy authorizing employee access. See the accompanying administrative regulation for additional language implementing this mandate.

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)

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

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>

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CSBA Sample Administrative Regulation

Business and Noninstructional Operations AR 3553

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 day.
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.

Note: Items #1-6 below are optional and should be deleted or revised to reflect district practice. Education Code 49557.2 authorizes, but does not require, districts to incorporate the following information into the School Lunch Program application packet or notification of eligibility.

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
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

Note: The following section is for use by districts that have adopted a policy, pursuant to Education Code 49558, allowing district employees to use individual records of students eligible for the free and reduced-price meal program for the purpose of disaggregation of academic achievement data and, as amended by AB 1636 (Ch. 321, Statutes of 2004), for the identification of students eligible for public school choice and supplemental educational services, as required for districts with schools in program improvement pursuant to 20 USC 6316, the No Child Left Behind Act. See the accompanying Board policy and BP/AR 0520.2 - Title I Program Improvement Schools. In Legal Advisory LO: 1-98 (0325.98), the California Department of Education recommends that the Board designate by name or job title the employee(s) authorized to use records for these purposes. Districts should identify the specific title of the designated employee(s) in the space provided below, such as Test Site Coordinator or Title I Coordinator.

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:

(title or position)

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

1. No individual indicators of participation in the free 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.

Note: AB 1636 (Ch. 321, Statutes of 2004) amended Education Code 49558 to require the following additional confidentiality provision.

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

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CSBA Sample Board Policy

Business and Noninstructional Operations BP 3554

OTHER FOOD SALES

Note: The following policy addresses food and beverage sales outside of the district's food service/cafeteria program), including the use of vending machines and student stores as well as food sales on school premises by student and/or adult organizations. Pursuant to 7 CFR 210.11 and 220.12, districts participating in the National School Lunch and School Breakfast Programs are mandated to establish rules or regulations to control the sale of food in competition with the breakfast and lunch programs. For policy addressing sales by food service or cafeteria programs, see BP/AR 3550 - Food Service/Child Nutrition Program.

5 CCR 15500 and 15501 require the Board to approve the sale of food items by student organizations. The Board may delegate this authority to the Superintendent or designee as provided in the following paragraph. Other conditions regarding the nutritional quality of foods and beverages, the number of items sold and the preparation of the food must also be satisfied; see the accompanying administrative regulation.

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.

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

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 (NAS-
BE): <http://www.boards@nasbe.org>

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

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CSBA Sample Administrative Regulation

Business and Noninstructional Operations AR 3554

OTHER FOOD SALES

Nutritional Standards

A minimum of 50 percent 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)

Note: The following paragraph is for use by districts that maintain elementary schools. For these schools, Education Code 49431, as amended by SB 677 (Ch. 415, Statutes of 2003), will supercede the requirements of Education Code 38085 when the California Department of Education reports that state funding has been appropriated for the following purposes: (1) nutrition policy development grants pursuant to Education Code 49433, (2) support and technical assistance to school districts pursuant to Education Code 49433.5, and (3) increased meal reimbursements pursuant to Education Code 49430.5. When funding is not available, districts may choose to adopt these new standards at their discretion. See AR 3550 - Food Service/Child Nutrition Program for details regarding the nutritional standards specified in Education Code 49431.

The following paragraph may be modified to indicate the position(s) responsible for approving food selections for compliance with Education Code 49431. In addition, districts with middle or high schools participating in a pilot program pursuant to Education Code 49433.7, which are also subject to the nutritional standards of Education Code 49431, should modify the following paragraph to reflect the grade levels and circumstances of the district.

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 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)

Note: SB 677 (Ch. 415, Statutes of 2003) added Education Code 49431.5 to make the following requirements for beverage sales effective July 1, 2004. The district should select the items below that apply to the grade levels offered by the district.

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

Note: In addition to the requirements in the previous section, schools participating in the National School Lunch and Breakfast Programs pursuant to 42 USC 1757 and 1773 are subject to the requirements described below. This section may be adapted for use by other districts at their discretion.

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)

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

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

Note: Item #1-7 below are for use by districts that maintain any of grades K-8.

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.
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.

(cf. 3553 - Free and Reduced-price Meals)

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

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.

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CSBA Sample Board Policy

Students BP 5030

STUDENT WELLNESS

Note: The Federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note, added by P.L. 108-265, Section 204) mandates each district participating in the National School Lunch program (42 USC 1751-1769) or the Child Nutrition Act of 1966 (42 USC 1771-1791, including the School Breakfast Program) to adopt a district-wide school wellness policy by the beginning of the school year after July 2006. If the Governing Board has already adopted policies promoting healthy eating and physical activity, it should use the process described below to review its existing policies to ensure that they meet the requirements of federal law.

The following optional policy describes the process for developing the district wellness policy but does not yet include the content that will fulfill the mandate. It is expected that districts will, before the first day of the 2006-07 school year, replace the following policy with a policy developed through the required process. Additional district policies may be affected, such as BP/AR 3550 - Food Service/Child Nutrition Program, BP/AR 3553 - Free and Reduced-price Meals, BP/AR 3554 - Other Food Sales, and BP/AR 6142.7 - Physical Education.

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.

By the beginning of the 2006-07 school year, the Board shall adopt a wellness policy that, at a minimum, shall: (42 USC 1751 Note)

1. Include goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the district determines is appropriate

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

(cf. 1325 - Advertising and Promotion)

(cf. 3312 - Contracts)

(cf. 5141.6 - Student Health and Social Services)

(cf. 6010 - Goals and Objectives)

(cf. 6142.7 - Physical Education)

(cf. 6142.8 - Comprehensive Health Education)

2. Include nutrition guidelines selected by the district for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity

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

(cf. 3554 - Other Food Sales)

(cf. 5148 - Child Care and Development)

(cf. 6300 - Preschool/Early Childhood Education)

3. Provide an assurance that the district's guidelines for reimbursable school meals will not be less restrictive than federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a) and 1779(a) and (b), as they apply to schools

(cf. 3553 - Free and Reduced-price Meals)

4. Establish a plan for measuring implementation of the policy, including the designation of one or more persons in the district or at each school charged with operational responsibility for ensuring that this policy is implemented

(cf. 0500 - Accountability)

Note: The Note in 42 USC 1751 (added in 2004 by P.L. 108-265, Section 204) requires involvement of specified persons in the development of the wellness policy. If desired, the Board may expand the categories of persons to be involved to include teachers, classified staff, school nurses, coaches and/or other appropriate school representatives. Members of the public could be specified to include health professionals, representatives of city and county agencies, representatives of community organizations, food vendors and/or others. The Board representative(s) should be appointed by the Board; see BB 9140 - Board Representatives.

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)

Note: The following optional paragraphs may be revised to reflect district practice. The Board may use an existing school health council or other committee as long as representatives of the groups listed above are involved.

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.

Note: The following optional paragraph and items #1-12 below should be revised to reflect the issues that the Board wants the council or committee to address and to set a timeline for presenting recommendations to the Board which will allow the policy to be fully developed and adopted by the start of the 2006-07 school year.

CSBA's "Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide" summarizes research on the link between nutrition/physical activity and student achievement, presents a worksheet for policy development, and contains a list of resources that may be useful to councils or committees in the development of recommendations for the wellness policy. In addition, the Note in 42 USC 1751 (added in 2004 by P.L. 108-265, Section 204) requires the U.S. Secretary of Agriculture to provide information and technical assistance through the Centers for Disease Control and Prevention (CDC).

By March 1, 2006, the council or committee shall present policy recommendations to the Board which include, but are not necessarily limited to, the following topics:

1. Goals and strategies for increasing student participation in the school breakfast and lunch programs
2. Nutritional standards for the school breakfast and lunch programs that meet or exceed state and federal standards
3. The amount of time allowed for students to eat and the adequacy of lunchroom facilities

4. Guidelines and standards for foods and beverages sold outside of the district's meal programs, such as through vending machines, school stores, school-sponsored events, school fundraisers and other venues on campus, as well as foods and beverages offered as rewards for academic performance or good behavior
5. Foods and beverages donated for class parties or other school events
6. School-based marketing of foods and beverages, such as through advertisements in school publications, school buildings, athletic fields and/or other areas accessible to students, and activities such as coupon or incentive programs
7. Age-appropriate, skill-building nutrition education at each grade level that is focused on behavior change
8. Opportunities for all students to be physically active, including the amount of time devoted to physical education, the quality of the physical education program, and additional opportunities such as recess and before- and after-school programs
9. Outreach strategies to encourage families to reinforce and support healthy eating and physical activity
10. Cost estimates of implementing the recommended strategies and potential funding sources
11. Priorities for implementing the recommended strategies in the wellness policy
12. Processes for evaluating the Board's wellness policy, including evaluation methods, indicators that will be used to measure success, and frequency of reports

Note: The following paragraph is optional. The CDC and the California Department of Education encourage a coordinated school health program that addresses eight components: health education; physical education; health services; nutrition services; counseling, psychological and social services; health school environment; health promotion for staff; and family/community involvement. If desired, the Board may incorporate all these issues in its wellness policy.

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

- 15500-15501 Food sales by student organizations
 15510 Mandatory meals for needy students

CODE OF REGULATIONS, TITLE 5

- 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, School Health Connections: <http://www.dhs.ca.gov/schoolhealth>
 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

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CSBA Sample Board Policy

Instruction **BP 6142.7**

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)

Note: The California Department of Education's Physical Education Framework describes components of a comprehensive physical education program. An Attorney General opinion (53 Ops.Cal.Atty.Gen. 230 (1970)) allows marching band classes to be included as part of the physical education program provided that the entire program substantially meets the objectives and criteria of Education Code 51220, adequately prepares students for state physical education performance tests, and is taught by a teacher holding a physical education credential. In its memorandum of April 18, 1989, the CDE did not concur with this opinion, which has not been tested in court. If the district classifies marching band or similar activities as part of the physical education program, the Board should ensure that the program in its entirety meets legally required objectives and criteria.

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

Note: State law authorizes the Board to grant temporary or permanent exemptions from physical education to students who meet specified criteria. The Board may delete the following section or may select the paragraphs below that reflect the grade levels offered by the district and the exemptions the Board wishes to grant.

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)
3. The student in grades 10-12 is excused for up to 24 clock hours in order to participate in automobile driver training. (Education Code 51222)

Note: SB 78 (Ch. 459, Statutes of 2003) amended Education Code 51241 to delay until July 1, 2007 a requirement that a student in grades 10-12 pass the ninth-grade physical performance test as a condition of receiving the exemption described in the following paragraph.

The Superintendent or designee may exempt students, with their consent, from any two years of physical education courses during grades 10-12. (Education Code 51241)

The Superintendent or designee may excuse any student in grades 10-12 who attends a regional occupational center or program from attending physical education courses if such attendance results in hardship because of the travel time involved. (Education Code 52316)

The Superintendent or designee may exempt a high school student from physical education if he/she is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

(cf. 6145.2 - Athletic Competition)

(cf. 6146.11 - Alternative Credits Toward Graduation)

The Superintendent or designee may grant permanent exemptions from physical education to a student who is either: (Education Code 51241)

1. Age 16 years or older and has been enrolled in grade 10 for one or more academic years
2. Enrolled as a postgraduate student
3. Enrolled in a juvenile home, ranch, camp or forestry camp school with scheduled recreation and exercise

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

"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

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

California Department of Health Services, School Health Connections: <http://www.dhs.ca.gov/schoolhealth>

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>

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CSBA Sample Administrative Regulation

Instruction AR 6142.7

PHYSICAL EDUCATION

Note: Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction in physical education for at least 200 minutes each 10 school days, exclusive of recesses and the lunch period. For grades 7-12, Education Code 51222 provides that all students, except students excused or exempted pursuant to Education Code 51241, be required to attend courses of physical education for at least 400 minutes each 10 school days. However, pursuant to Education Code 51223, elementary school districts maintaining grades 1-8 shall provide instruction in physical education for students in grades 7-8 that matches the requirement for other elementary schools of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period.

The following options should be modified to reflect grade levels offered by the district.

OPTION 1: (Elementary Districts with Any of Grades 1-8)

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days. (Education Code 51210, 51223)

OPTION 2: (High School Districts)

Instruction in physical education shall be provided for a total period of time of not less than 400 minutes each 10 school days. (Education Code 51222)

OPTION 3: (Unified School Districts)

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days for students in grades 1-6 and not less than 400 minutes each 10 school days for students in grades 7-12. (Education Code 51210, 51222)

Note: The remainder of this section is for use by districts that maintain high schools.

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

Note: The following paragraph should be modified to reflect grade levels offered by the district. Pursuant to Education Code 51241, the district may also choose to administer the ninth-grade physical performance test to students in grades 10-12. Districts that choose to do so should modify the following paragraph accordingly.

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)

Note: Education Code 60800, as amended by SB 78 (Ch. 459, Statutes of 2003), authorizes districts to provide students with their test results orally as students complete the testing.

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)

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

(cf. 5125 - Student Records)

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Instruction BP 6142.8

COMPREHENSIVE HEALTH EDUCATION

Note: The following optional paragraph reflects four “unifying ideas of health literacy” that should be emphasized throughout the health curriculum according to the California Department of Education’s Health Framework for California Public Schools.

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.

Note: Topics to be addressed in a comprehensive health education program are detailed in both Education Code 51890 and the CDE’s Health Framework; see the accompanying administrative regulation.

The district shall provide a planned, sequential health education curriculum for students in grades K-12 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

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

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Centers for Disease Control and Prevention:

<http://www.cdc.gov>

National Hearing Conservation Association:

<http://www.hearingconservation.org>

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