

Salinas City Elementary School District

Business

Regulation #3550

FOOD SERVICE/CHILD NUTRITION PROGRAM

Posting Requirements

Contingent upon state funding being appropriated in the state budget by January 1, 2004, each district 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)

Each district 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

Effective January 1, 2004 and contingent upon funds appropriated in the state budget, the Superintendent or designee shall ensure that the sale of all foods on school grounds complies with the following nutritional standards: (Education Code 49431)

1. The only food that may be sold to students in elementary schools during breakfast and lunch periods is food that is sold as a full meal. Fruits, non-fried vegetables, legumes, beverages, dairy products or grain products, if sold as individual food items, may be offered for sale during the morning or afternoon breaks 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. Regardless of the time of day, the only beverages that may be sold to elementary students are water, milk, 100 percent fruit or vegetable juices, or fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners.
3. Food served in classrooms for celebrations or learning activities, or school-sponsored events shall meet the nutritional standards as listed above. A list of food items that meet these nutritional standards will be made available to the parents, in informational packets sent home at least once a year and will be available in the school offices.

Child Nutrition and Physical Activity Advisory Committee (Wellness Committee)

The membership of the Child Nutrition and Physical Activity Advisory Committee shall include, but need not be limited to, Governing 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)

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The policies on nutrition and physical activity shall address issues and goals, including, but not limited to, all of the following: (Education Code 49433)

1. Implementing the nutritional standards set forth in Education Code 49431
2. Encouraging fund-raisers that promote good health habits and discouraging fund-raisers that promote unhealthy foods
3. Ensuring that no student is hungry
4. Improving nutritional standards
5. Increasing the availability of fresh fruits and vegetables, including provisions that encourage schools to make fruits and vegetables available at all locations where food is sold
6. Ensuring, to the extent possible, that the food served is fresh
7. Encouraging eligible students to participate in the school lunch program
8. Integrating nutrition and physical activity into the overall curriculum
9. Ensuring regular professional development for food service staff
10. Ensuring students a minimum of 30 minutes to eat lunch and 20 minutes to eat breakfast, when provided
11. Ensuring students engage in healthful levels of vigorous physical activity
12. Ensuring students receive nutrition education
13. Improving the quality of physical education curricula and increasing training of physical education teachers
14. Enforcing existing physical education requirements
15. Altering the economic structures in place to encourage healthy eating by students and reduce dependency on generating profits for the school from the sale of unhealthy foods
16. Developing a financing plan to implement the policies
17. Increasing the availability of organic fruits and vegetables and school gardens
18. Collaborating with local farmers' markets

In developing the policy (ies), the committee shall hold at least one public hearing. (Education Code 49433)

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Appendix CALIFORNIA CODES EDUCATION CODE SECTION 49430-49432

49430. As used in this article, the following terms have the following meanings:

(a) "Elementary school" means a public school that maintains any grade from kindergarten to grade 6, inclusive, but no grade higher than grade 6.

(b) N/A

(c) N/A

(d) "Full meal" means any combination of food items that meet USDA-approved School Breakfast Program or National School Lunch Program meal pattern requirements.

(e) "Added sweetener" means any additive other than 100 percent fruit juice that enhances the sweetness of a beverage.

(f) "Sold" means the exchange of food for money, coupons, or vouchers.

(g) "Entree" means a food that is generally regarded as being the primary food in a meal, and shall include, but not be limited to, sandwiches, burritos, pasta, and pizza.

(h) "Snack" means a food that is generally regarded as supplementing a meal, including, but not limited to, chips, crackers, onion rings, nachos, French fries, donuts, cookies, pastries, cinnamon rolls, and candy.

49430.3. Notwithstanding any provisions of law, including, but not limited to, Chapter 3 (commencing with Section 38080) of Part 23 or Section 48931, this article shall control over contrary provisions relating to the sale of food items to public school pupils.

49431. (a) (1) Commencing July 1, 2007, at each elementary school, the only food that may be sold to a pupil during the school day are full meals and individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes.

(2) An individually sold dairy or whole grain food item may be sold to pupils at an elementary school, except food sold as part of a USDA meal program, if it meets all of the following standards:

(A) Not more than 35 percent of its total calories shall be from fat.

(B) Not more than 10 percent of its total calories shall be from saturated fat.

(C) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar.

(D) Not more than 175 calories per individual food item.

(b) An elementary school may permit the sale of food items that do not comply with subdivision (a) as part of a school fundraising event in any of the following circumstances:

(1) The items are sold by pupils of the school and the sale of those items takes place off of and away from school premises.

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(2) The items are sold by pupils of the school and the sale of those items takes place at least one-half hour after the end of the school day.

(c) It is the intent of the Legislature that the governing board of a school district annually reviews its compliance with the nutrition standards described in this section and Section 49431.5.

49431.5. (a) (1) Regardless of the time of day, only the following beverages may be sold to a pupil at an elementary school:

(A) Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener.

(B) Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener.

(C) Drinking water with no added sweetener.

(D) Two-percent-fat milk, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk.

(2) An elementary school may permit the sale of beverages that do not comply with paragraph (1) as part of a school fundraising event in any of the following circumstances:

(A) The items are sold by pupils of the school and the sale of those items takes place off and away from the premises of the school.

(B) The items are sold by pupils of the school and the sale of those items takes place one-half hour or more after the end of the school day.

(5) This subdivision does not prohibit an elementary school from making available through a vending machine any beverage allowed under paragraph (1) or (3) at any time of day any beverage that does not comply with paragraph (3) if the beverage only is available not later than one-half hour before the start of the school day and not sooner than one-half hour after the end of the school day.

(b) (1) Commencing July 1, 2007, no less than 50 percent of all beverages sold to a pupil from one-half hour before the start of the school day until one-half hour after the end of the school day shall be those enumerated by paragraph (3).

(2) Commencing July 1, 2009, all beverages sold to a pupil from one-half hour before the start of the school day until one-half hour after the end of the school day shall be those enumerated by paragraph (3).

(3) Beverages allowed under this subdivision are all of the following:

(A) Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener.

(B) Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener.

(C) Drinking water with no added sweetener.

(D) Two-percent-fat milk, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk.

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

(c) For the purposes of this section, the following terms have the following meanings:

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(1) "Added sweetener" means any additive that enhances the sweetness of the beverage, including added sugar, but does not include the natural sugar or sugars that are contained within the fruit juice which is a component of the beverage.

(2) "Sale of beverages" means the exchange of a beverage for money, coupons, or vouchers.

(d) It is the intent of the Legislature that the governing board of a school district annually reviews its compliance with this section.

(e) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20, compliance with this section may not be waived.

49432. By January 1, 2004, every public school may post a summary of nutrition and physical activity laws and regulations, and shall post the school district's nutrition and physical activity policies, in public view within all school cafeterias or other central eating areas. The State Department of Education shall develop the summary of state law and regulations.