

Wellness Policy (BP 5030)

Overview

In support of joyful community schools and thriving students, the Governing Board of the Oakland Unified School Board recognizes that nutrition and health are fundamental to college, career, and community readiness. The Governing Board recognizes the link between student health and learning. In support of its commitment to providing a comprehensive program promoting access to nutritious food, environment, food and garden education, and physical activity for all district students at every school, the Board adopted the Student Wellness Board Policy 5030. The following administrative regulations provide the guidelines, requirements, and standards necessary to implement Board Policy 5030 effectively.

The District will follow state and federal requirements and may set standards that meet or exceed state and federal requirements.

1. Nutritional Requirements for the School Meal Program

OUSD Nutrition Services is responsible for the School Meal Program, which includes the National School Lunch Program (NSLP), School Breakfast Program (SBP), and the Child Care and Adult Feeding Program (CCAFP). OUSD Nutrition Services ensures compliance with nutritional standards for breakfast, lunch, snack, and supper. OUSD shall prioritize preparing and cooking meals versus offering pre-packaged heat and serve items.

All food served through the School Meal Program shall meet or exceed standards set by federal and state law, including but not limited to 7 CFR 210.10, 220.8, and 220.23. Over the course of a week, meals must meet the following nutritional requirements:

1. Contain no more than 10% saturated fat
2. Contain no trans fats
3. Meet USDA standards for whole grain
4. Meet the USDA standards for sodium
5. Meet the USDA regulations for calories (minimum)
6. Contain no more than 35% sugar by weight (fruits or vegetables with naturally occurring sugars are exempt): a. Cereals may not contain more than 6g of sugar and/or 400 mg of sodium per 1 oz portion.
7. Limit the use of additives and high fructose corn syrup
8. Limit the availability of flavored milk to no more than once a week (non-fat flavored milk only).

2. Drinking Water

The District shall provide access to fresh, free drinking water during all school meal programs and encourage students to bring reusable water bottles to the cafeteria, classroom, and outdoor spaces. The District and partners will distribute reusable water bottles to students when possible. (BP 3511.3, CDE 38086, and 7 CFR 220.8(a)(1).)

3. Nutritional Requirements for Competitive Foods

A Competitive Food is a food or beverage sold outside of the school meal program but during school meal times, such as through vending machines, fundraisers, in school stores, or served as an a la carte item in a school cafeteria. Competitive Foods sold on OUSD campuses must meet or exceed the nutrition standards set by state and federal law.

1. Food may only be sold if it is one of the following:
 - a. Fruit
 - b. Non-fried vegetable
 - c. Dairy food
 - d. Nuts, seeds, legumes, cheese (allowable protein foods)
 - e. Whole grain item (defined as 51% or more)
2. The food item must meet the following requirements:
 - a. Calories from fat cannot exceed 35% except for nuts, nut butters, seeds, reduced-fat cheese, dried fruit, and nut/seed combinations;
 - b. Calories from saturated fat cannot exceed 10% except for reduced-fat cheese, dried fruit, and nut/seed combinations;
 - c. Sodium content cannot exceed 230 milligrams;
 - d. The food item may not contain trans fat;
 - e. Total calories per item may not exceed 175 calories for elementary schools and 200 calories for middle and high schools.
3. Only the following beverages will be sold on campus:
 - a. Water (preferred beverage)
 - b. 100% fruit or vegetable juice
 - c. Nonfat and 1% milk (including nonfat chocolate milk)
 - d. Soy milk
4. Foods containing sugar:
 - a. Sugar content cannot exceed 35% by weight except for fruit, non-fried vegetables, and dried fruit and nut/seed combinations;
 - b. No candy or sugar-sweetened beverages shall be sold or served anywhere on OUSD campuses;
 - c. Dried blueberries, cranberries, cherries, tropical fruit, chopped dates, or figs that contain added sugar are exempt from fat and sugar standards; and
 - d. Canned fruit is only permitted if it is in 100% juice.

4. Competitive Foods Sold on Campus - Vending Machines

1. All vending machines in the District shall meet the health and safety standards and requirements for Competitive Foods
2. The District shall operate all vending machines.
3. The District is committed to developing a vending protocol and policy (the "Vending Program") to:
 - a. Ensure that vending machines are only on campuses approved by the District;
 - b. Ensure that proper accounting of vending revenues takes place and that revenues are applied to a proper purpose (such as student programs or the School Meal Program);
 - c. Ensure that vendors are identified through a competitive procurement process emphasizing local vendors;
 - d. Ensure that food sold from vending machines following all federal, state, and local laws, including California Education Code and the District's Wellness Board Policy and this regulation;
 - e. Establish the maximum number of machines to be allowed per site;
 - f. Establish locations where vending machines should not be allowed (such as at Child Development Centers or elementary schools);
 - g. Seek student input on items to be sold.

5. Mobile Food Vending (Food Trucks)

All mobile food vending facilities must maintain a three hundred-foot buffer from K-12 schools between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, unless the mobile food vending facility sells "healthy foods," as defined in Administrative Guidelines according to O.M.C. Chapter 5.51, and receives written permission from the supervising entity of the school. (Oakland Municipal Code Chapter 8.62.090.)

6. Requirement for Food used for Fundraising Efforts

The following rules apply to fundraising efforts involving the sale of food:

1. All food and beverages sold before 6:00 p.m. must meet the requirements for Competitive Foods (see above). OUSD encourages adherence to these requirements for food sold after 6:00 p.m. as well.
2. Food fundraising may only occur during lunch if Nutrition Services approves. Times vary at individual school sites. See AR 3554 for further information about limits on the time and frequency of food fundraising.
3. Site staff must ensure that fundraisers refrain from interfering with student participation in the School Meal Program. To that end, food sold as part of the fundraiser during

the school day must differ from the meals offered by the school cafeteria, even if following competitive food requirements.

4. The District is committed to providing and creating student-driven resources on comprehensive healthy food and non-food suggestions for fundraisers.

7. Advertising Guidelines

1. The District shall maintain exclusive authority and control over all advertising on District property.

2. The District shall only permit third parties to advertise products that meet the standards outlined in the Wellness Policy or included in the list of items that can be served or sold on school campuses.

8. Guidelines for Food and Beverages Served at School-Sponsored Events

1. If food or beverages are offered, schools or districts should always offer healthy options at school-wide events such as Back to School Night or school dances. Healthy options include fruit, vegetables, healthy foods that reflect the diversity of OUSD, and free potable water.

2. Efforts should be made to meet or exceed the requirements for Competitive Foods (see above) and state standards for health and safety must be followed.

9. Guidelines for School-Wide and Individual Rewards and Incentives

1. Non-food items are recommended as incentives and rewards.

2. Food offered to students as incentives should meet or exceed the requirements for Competitive Foods (see above). In addition, state standards for health and safety must be followed, including circumstances of food allergies

3. The withholding of food as a punishment is prohibited.

4. The district will provide a resource list for non-food items.

10. Guidelines for Classroom Celebrations or School-Wide Parties

1. Food served during classroom, or school celebrations should meet or exceed the requirements for Competitive Foods except for the following:

a. Schools, at most once a month, may allow classrooms to hold a celebration involving food that does not meet the requirements for Competitive Foods.

2. Food served during classroom, or school celebrations must meet state standards for health and safety, including circumstances of food allergies

3. Celebrations that include food and beverages must occur after the lunch period has ended. School administrators may place further restrictions on celebrations.

4. Consider food and beverage items with the least amount of packaging and encourage classrooms to have a classroom party supply kit that includes reusable plates, cups,

cutlery, and napkins. Compostable plastic materials are not accepted in our compost stream by our hauler.

11. Guidelines for Student Personal Food (Packed Lunch and Snacks)

1. OUSD personnel, community partners, and school volunteers may not take any food or beverages away from students when consumed during designated eating times, in designated eating areas in an appropriate manner. Students can be asked to refrain from eating candy and soda during the school day.
2. OUSD encourages students and families to follow the requirements for Competitive Foods.
3. OUSD will provide family and student-focused education and outreach that support healthy choices at school, home, and in communities.
4. OUSD encourages students to use reusable containers for lunches, snacks, and beverages and to pack up any leftovers.

12. Guidelines for Staff Role Modeling

1. Staff members are encouraged to serve as role models for students by following the requirements for Competitive Foods.
2. OUSD staff and partners will support and promote healthy lifestyles through Environment, Food, and Garden education in the classroom, in the gardens, in the cafeterias, during after-school programs, and at family events.

13. Meal Service Time and Facilities

The District is committed to providing adequate facilities for students to consume their meals, including age-appropriate seating.

1. Students shall have adequate time during breakfast, lunch, snack, or supper periods to purchase or retrieve a meal, eat it without rushing and clean up after themselves.
2. Students shall not be prevented from eating lunch in the cafeteria for academic or disciplinary reasons, except where a safety concern exists.
3. Each student should receive at least 10 minutes to consume their meal at Breakfast.
4. All elementary sites serving breakfast will be encouraged to offer breakfast in the classroom or second chance breakfast.
5. All secondary schools will be encouraged to offer a Nutrition Break built into the bell schedule.
6. If a school offers breakfast that is not in the classroom, it will be scheduled for half an hour before school starts.
7. Every school kitchen will continue to serve breakfast until 9:45 AM, allowing tardy students to eat breakfast.

8. Each student shall receive a minimum of 20 minutes to consume their meal at lunch.
9. Meals will be consumed in the cafeteria or other designated locations.
10. Recess should be scheduled at a different time than lunch. It is highly recommended that recess occurs before lunch.
11. Lunch will not be scheduled to start before 10:45 am or after 1:00 pm.
12. OUSD is committed to implementing and maintaining the supper program at qualified sites.

14. Produce Bars

Nutrition Services will make every effort to offer and maintain the produce bar program when financially feasible. The produce bar shall offer a wide variety of fresh produce with an emphasis on local products when possible. The produce bar shall feature Harvest of the Month items every month. Nutrition Services will continue to provide vegetarian and vegan meal options for all meals.

15. Environmental Impact

The District is committed to improving resource conservation through waste management, water conservation, and energy efficiency. As part of our Climate Action Emergency Policy and Plan, the District strives to achieve 100% clean electricity by 2030 and phasing out the use of fossil fuels by 2040.

1. The District will continue to support the OUSD Waste Prevention Program to reduce the District's total landfill contribution.
2. All cafeterias will have waste sorting stations, including food share, compost, recycling, and landfill. This includes a monitoring system for contamination.
3. All kitchens have recycling, compost, and landfill sorting bins.
4. Nutrition Services will continue to develop and increase donating surplus food from the school meal program. To comply with State Mandate SB1383, by 2024, every school must have a food recovery organization partnership to donate surplus food.
5. Students are encouraged to bring drinking water from a designated school water source or home into the classroom provided that the water is in a capped container, such as a bottle.
6. Nutrition Services will undertake efforts to reduce the use of packaged and single-use items and use reusable trays, plates, cups, and utensils whenever possible.

16. Food Purchasing/Procurement Practices - SUPPLY CHAIN and EMERGENCIES

The District is committed to ethical procurement practices. (BP 3555.) The following priorities will guide the purchase of food where permitted by state and federal law, including laws that govern public bidding:

1. Local Purchasing – Produce

- a. Nutrition Services will make every effort to ensure that at least 50% of produce comes from within a 250-mile radius of Oakland, with an even greater percentage coming from local farms in the summer months.
- b. Nutrition Services will make every effort to expand and track its purchases of produce from small family farms (under 500 acres).
- c. Nutrition Services will try to expand and track its purchases of organic and pesticide-free produce.

2. Local Purchasing – Non-Produce

- a. Nutrition Services will make every effort to ensure that 30% of non-produce purchases shall be from within California.

3. Sustainable Purchasing

- a. The District is committed to increasing its purchases of sustainably-produced foods. The following priorities will guide the purchase of food where permitted by state and federal law, including laws that apply to public bidding:

1. Antibiotics:

- a. Nutrition Services when possible will purchase meat and poultry that are either raised without antibiotics or raised with limited sustainable antibiotics use verified by a third party.

2. Hormones:

- a. Nutrition Services will not purchase milk from cows treated with bovine growth hormone and shall make every effort to reduce its purchases of beef and pork raised with the use of hormones.

3. Environmental Management:

- a. Nutrition Services will make every effort to purchase food raised with appropriate environmental management practices that protect the soil, air, and water.

4. Animal Welfare:

- a. Nutrition Services will make every effort to purchase meat and animal products from animals raised with adequate living space, fed a healthy diet, and slaughtered humanely.

5. Fair Purchasing

- a. The District is committed to purchasing food from companies that treat workers fairly. Where permitted by state and federal law, including laws that apply to public bidding, Nutrition Services will make every effort to purchase foods from companies and farms that provide workers with living wages and safe working conditions.

17. Facilitating Enrollment in Meal Programs to Ensure No Student Goes Hungry

The National School Lunch Program ensures that OUSD students have access to healthy meals every school day. Commencing in SY 2022–23, *Education Code (EC)* 49501.5 requires public school districts, county offices of education, and charter schools serving students in grades transitional kindergarten through grade 12 (TK–12) to provide two meals free of charge (breakfast and lunch) during each school day to students requesting a meal, regardless of their free or reduced-price meal eligibility.

The District will also partner with community groups to increase access to other meal and food access programs, including the CalFresh Program, Food Banks, Food Pantries, and the Women, Infants, and Children (WIC) Program.

18. Community and Customer Collaboration

Nutrition Services shall create and maintain an online feedback tool to gather student and family input and feedback.

19. Professional Development

The district shall offer regular professional development to teachers and other staff regarding guidelines, requirements, and programming. Nutrition Service staff shall receive professional development based on the USDA Guide to Professional Standards for School Nutrition Program of 2020. Summary of Required Minimum Annual Training Requirements for School Nutrition Employees includes: Directors - 12 hours; Managers - 10 hours; All other staff (working 20 hours or more per week) - 6 hours; Part-Time Staff (working less than 20 hours per week) - 4 hours; Mid-year hires in all categories (January 1, or later) - one-half of training required for each job.

20. Policy Implementation and Evaluation

The Superintendent's designees are responsible for ensuring that each school site complies with the district's wellness policy. (42 USC 1758(b); 7 CFR 210.31.)

The designees shall assess the implementation and effectiveness of this policy at least once every three years. The assessment shall include the extent to which district schools comply with this policy and the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture. The designers shall create structures to invite feedback on district and school wellness activities from food service personnel, school administrators, parents/guardians, students, teachers, before and after-school program staff, and other appropriate persons. The designers shall produce written reports and presentations to the Governing Board, District staff, school site staff, community partners, families, and students to inform and update the public about the content and implementation of this policy and assessment results. (42 USC 1758(b).)

Description of Assessment Indicators:

The Board and the Superintendent or designee shall use state guidance to establish indicators to measure the implementation and effectiveness of the district activities related to the Student Wellness policy 5030. Additionally, each school site will be responsible for completing the wellness policy implementation assessment tool informed by County, State, and Federal validated instruments.

Such indicators may include, but are not limited to the following:

1. Descriptions of the district's environment, food and garden education; physical education and health education programs; and the extent to which they align with state academic content standards, legal requirements, and OUSD academic programming.
2. Accessible menus both at school sites and online for the school meal program.
3. Student participation rates in all school meal and/or snack programs.
4. The extent to which foods and beverages sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutrition guidelines in these administrative regulations.
5. Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition guidelines in these administrative regulations.
6. Completion of the state's physical fitness test at applicable grade levels.
7. The number of minutes of physical education offered at each grade span and the estimated percentage of class time spent in moderate to vigorous physical activity.
8. A description of district efforts to provide additional physical activity opportunities outside the physical education program.
9. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate.

When feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with the county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

RELATED POLICIES AND REGULATIONS

AR 3550 (Food Service/Child Nutrition Program)

Board Policy 3511.3 (Clean Drinking Water)

Board Policy 3551 (Food Service Operations/Cafeteria Fund)

Board Policy and Administrative Regulation 3554 (Other Food Sales)

Board Policy 3555 (Good Food Purchasing)

BP 6142.5: Environmental and Climate Change Literacy

Board Policy and Administrative Regulation 6142.7 (Physical Education)

Board Policy Development of Living Schoolyards 7110.1

Legal Reference:

EDUCATION CODE

33350-33354 CDE responsibilities re: physical education

38042 Drinking Water

38086 Potable Water

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

49490-49494 School breakfast and lunch programs

49501.5-49506 School meals

49501.5 Provide Two meals Free of Charge

49510-49513, 49515, 49518--49520 Nutrition

49530-49536 Child Nutrition Act

49540-49546 Child care food program

49547-49548.3 Comprehensive nutrition services

49550-49561 Meals for needy students

49570 National School Lunch Act

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

51795-51796.5 School instructional gardens

51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1762, 1765-1766-1766a, 1769 National School Lunch Program, especially:

1758(a)(5) Drinking Water

1758(b) Local wellness policy

1771-1791 Child Nutrition Act, especially:

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

220.1-220.23 National School Breakfast Program

210.10(a) -(b) and 220.8(a)(1) Access to Clean Potable Water