

The new nutrition standards: Implications for student wellness

As part of a larger state and national effort to curb childhood obesity, improve children's health, and enhance student learning, new state legislation creates stronger standards for foods and beverages sold at schools. SB 12 (Ch. 235) and SB 965 (Ch. 237), both authored by Senator Escutia, impact all districts, all schools, and all students in grades K-12. The provisions do not apply to charter schools and private schools.

Board members, district staff, and school health councils need to be knowledgeable about the new requirements, some of which are effective beginning January 1, 2006, and others beginning July 1, 2007. Boards must ensure that board policies meet or exceed the standards.

If the district participates in the National School Lunch Program, School Breakfast Program, or other programs authorized by the federal Child Nutrition Act, nutrition guidelines for all foods available on each campus during the school day must be incorporated into a "student wellness" policy as described below. These nutrition guidelines are one component of a comprehensive, coordinated approach to encouraging healthy eating practices and physical activity.

This policy brief explains the new state standards for foods and beverages provided at schools, and suggests issues that boards should consider as they review proposed policies. CSBA is reissuing (November 2005) several sample board policies and administrative regulations to provide further guidance and sample language that fulfills the federal mandate for a wellness policy, and recently updated its publication *Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide* which summarizes relevant research and provides worksheets and other resources for policy development.

Background: Federal Mandate for Wellness Policy

The Federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (Note in 42 USC 1751) mandates that any district participating in a federal nutrition program adopt a policy on student wellness that, at a minimum:

1. Includes 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.
2. Includes 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.
3. Provides 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 1799(a) and (b), as they apply to schools.
4. Establishes 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.

This policy brief focuses on component #2 pertaining to nutrition guidelines for foods and beverages sold at schools, including foods and beverages available through school cafeterias, as well as other food sales through vending machines, student stores, fundraisers, or other venues.

Required to be in place by the beginning of the 2006-07 school year, the wellness policy must be developed through an inclusive process involving, at a minimum, parents/guardians, students, school food service professionals, school administrators, board representatives, and members of the public. Districts need to allow sufficient time for the school health council

or other committee to research the issues and build consensus around recommended policy. Sufficient time must also be allowed for public hearing and adequate review by the board. Thus, in order to meet the deadline established by federal law, districts should already be engaged in the policy development process or at least have established the process and timelines they will follow. The school health council/committee charged with recommending the wellness policy must be informed about the changes in state nutritional standards so that district policies can be aligned.

Nutritional Standards for Foods

What are the current standards?

Federal regulations establish nutritional standards, nutrient levels and calorie levels for meals provided by schools under the National School Lunch Program or School Breakfast Program. These detailed standards are contained in 7 CFR 210.10 and 220.8.

For foods that are not reimbursed through the federal meal programs, the standards listed in Education Code 38085 are effective until July 1, 2007. In accordance with these standards, a minimum of 50 percent of the food sold on school grounds during regular school hours must be from the nutritious foods listed in Education Code 38085.

What changes are coming, and when?

Beginning July 1, 2007, the food standards in Education Code 38085 for non-reimbursable meals will be replaced by the standards established by SB 12 in Education Code 49431 and 49431.2. SB 12 also eliminated the provision that compliance with the standards was contingent upon appropriations in the state budget for nutrition policy development grants, support and technical assistance to school districts, and increased meal reimbursements.

Once the new standards go into effect, the only foods that may be sold to a student at an elementary school 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. An individually sold dairy or whole grain food item may be sold if it meets all of the following criteria:

1. Not more than 35 percent of its total calories is from fat.
2. Not more than 10 percent of its total calories is from saturated fat.

3. Not more than 35 percent of its total weight is composed of sugar, including naturally occurring and added sugar.
4. Its total calories do not exceed 175 calories.

Food standards for middle, junior high, and high schools, effective July 1, 2007, require that each entree item sold outside the reimbursable meal program must meet the following criteria:

1. Its total calories do not exceed 400 calories.
2. It contains no more than four grams of fat per 100 calories.
3. It is categorized as an entree item in the National School Lunch or School Breakfast program.

Middle, junior high, and high schools also must ensure that each snack item that supplements a meal meets the following criteria:

1. Not more than 35 percent of its total calories is from fat, excluding nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruits, vegetables that have not been deep fried, or legumes.
2. Not more than 10 percent of its total calories is from saturated fat, excluding eggs or cheese packaged for individual sale.
3. Not more than 35 percent of its total weight is composed of sugar, including naturally occurring and added sugar, excluding fruits or vegetables that have not been deep fried.
4. Its total calories do not exceed 250 calories.

At their discretion, districts may choose to adopt the above standards prior to July 1, 2007, and/or may adopt standards that exceed those required by state law, in order to provide the maximum benefit to students.

Nutritional Standards for Beverages

What are the current standards?

Current standards for beverages, in effect since July 1, 2004, apply only to elementary, middle, and junior high schools (Education Code 49431.5). Allowable beverages include water, any kind of milk, fruit juices, and fruit-based drinks that are at least 50 percent fruit juice with

no added sweetener. In addition, middle and junior high schools may offer an electrolyte replacement beverage.

What changes are coming, and when?

SB 965 revised the standards for beverages in Education Code 49431.5 for elementary, middle, and junior high schools, effective January 1, 2006. Changes include the addition of vegetable-based drinks and a limitation on the types of milk that may be provided, emphasizing nonfat and low-fat products.

These standards apply to beverages sold to elementary students regardless of the time of day, and to middle or junior high school students from one-half hour before the start of the school day until one-half hour after the end of the school day. Under these standards, the only beverages that may be sold at school are:

1. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener.
2. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener.
3. Drinking water with no added sweetener.
4. Milk that is 1-percent fat, 2-percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk.
5. For middle and junior high schools, electrolyte replacement beverages that contain no more than 42 grams of added sweetener per 20-ounce serving.

SB 965 also extends these standards to high schools beginning July 1, 2007. The standards will be phased in so that, beginning July 1, 2007, at least 50 percent of the beverages sold to high school students from one-half hour before the start of the school day until one-half hour after the end of the school day must be those specified in items #1-5 above. Beginning July 1, 2009, 100 percent of the beverages sold to high school students from one-half hour before the start of the school day until one-half hour after the end of the school day must meet these standards. When feasible, districts may choose to implement the standards prior to these dates.

Outside Food Sales

Food sales outside of the district's food service program (e.g., through school organizations, vending machines, student stores) generally must comply with the same nutritional standards applicable to the food service

program. State law (as amended by SB 12 and SB 965) does allow some sales of foods and beverages that do not comply with the state nutritional standards, but only if such sales occur outside the school or outside the normal school day.

When foods or beverages are sold by students at any grade level as a fundraising event, it is not necessary that they comply with state nutritional standards if the sale takes place off and away from school premises, or takes place at least one-half hour after the end of the school day.

In addition, a food sale at a middle, junior high or high school need not meet nutritional standards if the sale occurs during a school-sponsored student activity after the end of the school day. Middle and junior high schools cannot sell non-nutritious beverages in vending machines, student stores, and cafeterias until later than one-half hour after the end of the school day.

Districts that have contracts with a third party for the sale of food or beverages in vending machines may need to examine those contracts and begin negotiations in order to make sure that foods and beverages sold in vending machines comply with the nutritional standards within the timelines specified in law. If a contract provision is in conflict with the new requirements, district legal counsel should be consulted.

Policy Considerations for Boards

Boards need to ensure that existing district policies containing nutritional guidelines are reviewed and updated for alignment with new law, on or before the dates that those standards become effective. Even when the policy is developed with the involvement of a school health council or other committee, the board is ultimately responsible for the content of the policy and must ensure compliance with law. CSBA's sample board policies and administrative regulations have been updated to reflect the new nutritional standards.

It is recommended that the board and school health council/committee look at the "big picture" for improving student health, rather than reviewing nutritional standards in isolation. As noted above, for those districts participating in federal meal programs, these nutritional guidelines should be incorporated into the district's "wellness" policy. However, even though the district may have an overarching wellness policy, it is likely that related concepts will appear in multiple district policies. Districts are encouraged to review the following materials and tailor them to meet local needs and goals:

BP 3312 - Contracts

BP/AR 3550 - Food Service/Child Nutrition Program

BP/AR 3554 - Other Food Sales

BP 5030 - Student Wellness

BP/AR 6142.7 - Physical Education

BP/AR 6142.8 - Comprehensive Health Education

The above referenced policies are available at www.csba.org/ps/nutrition_phys_resources.cfm.

When developing or updating policy related to nutritional standards, or reviewing policy recommendations from the school health council/committee, the board might consider the following questions:

- Has the district established clear goals or expectations for the work of the school health council/committee?
- Have adequate resources and information been made available to the school health council/committee to research student wellness issues and develop recommendations on behalf of the district?
- Has the district sought input from parents/guardians, students, school food service professionals, school administrators, board representatives, and members of the public in the development of policies pertaining to nutritional standards, as required by federal law for districts participating in federally reimbursed meal programs? Are there others who should be involved because of their expertise or diverse perspectives (e.g., district administrators, health professionals, school nurses, health educators, physical education teachers, counselors, and/or others interested in school health issues)?
- Do the standards recommended by the school health council/committee align with applicable state standards? Do they exceed state standards? If so, in what way(s)?
- Does recommended policy ensure that new state standards will be implemented within the time frames required by law? Can or should the district implement the standards sooner?
- Does the district have contract obligations that need to be taken into consideration (e.g., contracts

with beverage companies)? When will those contracts expire?

- How are foods currently selected for school menus? Are parents/guardians or students involved in the process?
- Are all district schools participating in available child nutrition programs, including breakfast, lunch, after-school snacks, child care food service, and summer food service? If not, why not?
- Do district schools currently have vending machines, student stores, or other venues for food and beverage sales? What foods and beverages are sold to students through these venues? Do they offer healthy snacks?
- Are nutritional standards perceived as part of a broader, more comprehensive approach to student health? In what ways are linkages accomplished?
- Is the district reviewing and updating all its policies related to student nutrition (BP 3312 - Contracts, BP/AR 3550 - Food Service/Child Nutrition, BP/AR 3554 - Other Food Sales, BP 5030 - Student Wellness), as well as policies related to comprehensive health education (BP/AR 6142.8) and physical education (BP/AR 6142.7)?
- Has the school health council/committee or district staff identified potential challenges to implementing the nutritional standards? Has it recommended strategies to communicate with students and parents/guardians regarding the district's wellness policy? Will staff development be provided to food services staff and others to assist in implementation of the wellness policy?
- Has the superintendent identified persons at the district and school site levels to monitor implementation of the district's wellness policy?

Other Board Actions

In addition to adopting policy to improve the nutritional content of foods and beverages available at schools, the board can support and reinforce its policy in the following ways:

1. In setting the vision and goals for the district, emphasize the board's priority on supporting student health, including specific desired outcomes related to healthy eating.

2. Ensure that the district's budget supports the priority on student nutrition. If the district will not be renewing contracts for non-nutritious foods or beverages, track the impact on the budget and explore alternative funding sources that do not compromise student health.
3. Become advocates for good health and nutrition. Encourage employees to serve as positive role models for students through their own behaviors and by avoiding the use of non-nutritious foods as classroom rewards. Encourage parents/guardians to provide healthy snacks for class parties and to reinforce healthy eating practices at home. Encourage school organizations to use non-food items for fundraisers. As community leaders, collaborate with other agencies and organizations to develop coordinated approaches to student health.
4. Ensure accountability for the implementation and evaluation of the district's wellness policy. Work with the superintendent and/or school health council/committee to identify desired outcomes that can be clearly measured, and schedule periodic reports to the board on the district's progress.

Additional Resources

CSBA

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005
www.csba.org/ps/nutrition_phys_resources.cfm

California Department of Education

Healthy Children Ready to Learn, January 2005
Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003
www.cde.ca.gov/ls/nu

California Healthy Kids Resource Center

www.californiahealthykids.org

California Project LEAN (Leaders Encouraging Activity and Nutrition)

www.californiaprojectlean.org

Centers for Disease Control and Prevention

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

CDC National Alliance for Nutrition and Activity
www.cspinet.org/nutritionpolicy/nana.html

Dairy Council of California

www.dairycouncilofca.org

National Association of State Boards of Education (NASBE)

Fit, Healthy and Ready to Learn, 2000
www.nasbe.org

National School Boards Association

www.nsba.org

School Nutrition Association

www.schoolnutrition.org

Society for Nutrition Education

www.sne.org

U.S. Department of Agriculture

Dietary Guidelines for Americans, 2005
Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000
www.fns.usda.gov/tn/healthy/wellnesspolicy_steps.html
 see also: www.teamnutrition.usda.gov

Action for Healthy Kids

www.actionforhealthykids.org

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