

Philosophy, Goals, Objectives and Comprehensive Plans

HIGH PRIORITY SCHOOLS GRANT PROGRAM

The Board of Trustees recognizes that schools demonstrating the lowest performance on state indicators of student achievement need to develop and implement a comprehensive approach to school improvement in order to improve student learning. The Board shall provide all necessary support and assistance to any such high priority school to help ensure a quality education for all students.

Whenever the Superintendent of Public Instruction (SPI) invites any district school to participate in the High Priority Schools Grant program, the Board shall hold a public hearing at a regularly scheduled meeting to discuss whether or not to apply for participation and how to address the needs of the school and its students. If it is determined that the school will not accept the invitation to participate, the Board shall hold a public hearing at a regularly scheduled meeting to discuss the reasons and rationale for the decision and to explain how the district intends to address the needs of the school and its students. Neither of these discussions shall be placed on the consent calendar. (Education Code 52055.615)

When the Board holds any public hearing, required for this program, written notice shall be sent to representative parent organizations, including the parent-teacher association, parent-teacher clubs and school site councils, and may be sent directly to parents/guardians in accordance with Education Code 48985. Notice also shall be sent to all local major media outlets, the local mayor, all members of the city council, all members of the county board of supervisors, the county superintendent of schools, and the county board of education. (Education Code 52055.615)

The Board shall, at a regularly scheduled meeting, approve an action plan for each participating school and certify that it contains all the essential components specified in Education Code 52055.625. (Education Code 52055.630)

In reviewing the proposed school action plan, the Board shall consider, at a minimum, the resources necessary to implement the plan, implications for the district's collective bargaining agreements, alignment of the action plan with the Title I local educational agency plan and/or other improvement plans, and the extent to which strategies in the plan are focused on areas of greatest need as identified through achievement data, self-assessments, and other district reports.

The Superintendent or designee shall coordinate all school improvement efforts to provide a coherent strategy addressing student needs.

The Board shall closely monitor the progress of any school participating in the program. The Superintendent or designee shall provide the Board with regular reports on the status and results of school improvement efforts.

HIGH PRIORITY SCHOOLS GRANT PROGRAM (continued)

(cf. 0400 - Comprehensive Plans)
 (cf. 0500 - Accountability)
 (cf. 9000 - Role of the Board)
 (cf. 9322 - Agenda/Meeting Materials)
 (cf. 3100 - Budget)
 (cf. 4141/4241 - Collective Bargaining Agreement)
 (cf. 6171 - Title I programs)
 (cf. 0420 - School Plans/Site Councils)
 (cf. 0520 - Intervention for Underperforming Schools)
 (cf. 0520.2 - Title I Program Improvement Schools)
 (cf. 0520.3 - Title I Program Improvement Districts)
 (cf. 0520.4 - Quality Education Investment Schools)
 (cf. 6020 - Parent Involvement)

Legal Reference:

EDUCATION CODE

17014 Facilities maintenance
 17032.5 Facilities maintenance
 17070.75 Facilities maintenance
 17089 Facilities maintenance
 33126 School accountability report card
 33400-33407 CDE evaluation of district programs
 41507 Single plan, Pupil Retention Block Grant
 41572 Single plan, School and Library Improvement Block Grant
 44510-44517 Principal Training Program
 45125.1 Criminal background checks for contractors
 48985 Parental notifications, languages other than English
 51041 Evaluation of the educational program
 51101 Rights of parents/guardians
 52050-52059 Public Schools Accountability Act, especially:
 52053-52055.55 Immediate Intervention/Underperforming Schools Program
 52055.600-52055.662 High Priority Schools Grant Program
 52055.700-52055.770 Quality Education Investment Act
 52070-52075 High School Pupil Success Act
 60119 Sufficiency of textbooks and instructional materials
 60640 Standardized Testing and Reporting Program
 60810 English language development test
 64001 Single plan for student achievement
 99220-99227 California Professional Development Institutes
 99230-99242 Mathematics and Reading Professional Development Program

CODE OF REGULATIONS, TITLE 5

1030.7-1030.8 Determination of significant academic growth

HIGH PRIORITY SCHOOLS GRANT PROGRAM (continued)

UNITED STATES CODE, TITLE 20

6301-6578 Academic achievement of the disadvantaged, including:

6318 Parent involvement

6319 Qualifications of highly qualified teachers

6511-6518 Comprehensive School Reform program

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Cohort 2 HPSGP: Questions and Answers

High Priority Schools Grant Program: Guidance and Application

A Guide and Template for the Single Plan for Student Achievement: A Handbook for School Site Councils, November 2006

WEB SITES

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

California Department of Education, HPSG: <http://www.cde.ca.gov/ta/lp/hp>

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3/12/03

(3/02 7/02) 3/05

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3/07

11/14/07

Philosophy, Goals, Objectives and Comprehensive Plans

HIGH PRIORITY SCHOOLS GRANT PROGRAM

Development of Action Plan

For each school participating in the High Priority Schools Grant Program (HPSGP), an action plan shall be developed, in partnership with the district, by the school site council or, if the school does not have one, by a schoolwide advisory group or school support group whose members are self-selected. (Education Code 52055.620)

In developing a school action plan, the school and district shall use the technical assistance of district personnel, county offices of education, universities, or any other person or entity that has proven successful expertise specific to the challenges inherent in high priority schools. (Education Code 52055.620)

The district shall involve teachers in the development of the action plan and shall certify that it has met and consulted with the exclusive representative of certificated employees on the plan. (Education Code 52055.630)

In developing the action plan, the school and district shall use the results of the initial needs assessment of the school's current conditions and performance, potential barriers to student achievement, and the nature and coherence of the district's support of the school's instructional program.

The action plan may include any existing plan that the school may have developed for another program, provided it addresses the components listed in Education Code 52055.625. (Education Code 52055.620)

Required Professional Development

The district shall provide eligible administrators and teachers, including instructional aides and paraprofessionals, in each participating school with professional development activities pursuant to the Principal Training Program (Education Code 44510-445517) and the Mathematics and Reading Professional Development Program (Education Code 99230-99242), as appropriate. (Education Code 52055.647)

Progress Reports

Each year the Superintendent or designee shall submit reports to the Superintendent of Public Instruction (SPI) for each participating school that meet all the requirements of Education Code 52055.640 and 52055.656. Before submitting the report the Board of Trustees shall review, at a regularly scheduled meeting, the school's progress toward achieving its goals. (Education Code 52055.640, 52055.656)

HIGH PRIORITY SCHOOLS GRANT PROGRAM (continued)

The Board may require any participating schools to use assessments of students= academic growth in core curriculum areas to annually review whether changes are needed in the school action plan.

Any school that uses assessments in this manner shall use the English language development test administered pursuant to Education Code 60810 to measure progress toward achieving English language proficiency, where appropriate, and the tests that are part of the Standardized Testing and Reporting program pursuant to Education Code 60640. A school may use any additional curriculum-based achievement test to assess student growth if the test is proven to be valid and reliable. The results of these assessments shall be reported annually to the Board. (Education Code 52055.645)

(cf. 0500 - Accountability)

(cf. 4131 – Staff Development)

(cf. 4331 – Staff Development)

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11/14/07

CSBA Sample Board Policy

Community Relations

BP 1100(a)

COMMUNICATION WITH THE PUBLIC

Note: The following **optional** policy may be revised to reflect district practice.

The Governing Board recognizes the district's responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the schools and district and to be responsive to the concerns and interests of the community. The Superintendent or designee shall establish strategies for effective two-way communications between the district and the public and shall consult with the Board regarding the role of Board members as advocates for the district's students, programs, and policies.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 9000 - Role of the Board)

Note: Protocols for media relations, including the identification of Governing Board and staff spokespersons designated to meet with the media on behalf of the district, are addressed in BP 1112 - Media Relations. The district may choose to establish additional protocols for communications with other segments of the public.

The Superintendent or designee shall provide the Board and staff with communications protocols and procedures to assist the district in presenting a consistent, unified message on district issues. Such protocols and procedures may include, but are not limited to, identification of the spokesperson(s) authorized to speak to the media on behalf of the district, strategies for coordinating communications efforts and activities, and legal requirements pertaining to confidentiality as well as the public's right to access records.

The Board President shall be the media spokesperson for the Board unless otherwise designated.

(cf. 1112 - Media Relations)
(cf. 1340 - Access to District Records)
(cf. 2111 - Superintendent Governance Standards)
(cf. 3580 - District Records)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 9005 - Governance Standards)
(cf. 9010 - Public Statements)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Superintendent or designee shall utilize a variety of communications methods in order to provide the public with access to information. Such methods may include, but are not limited to, district and school newsletters, web sites, social networking pages or other online communications technologies, direct email communications, mailings, notices sent home with students, recorded telephone messages for parent/guardian information, community forums and public events, news releases, meetings with education reporters and editorial boards, presentations at parent organization meetings, and meetings with representatives of local governments, community organizations, and businesses.

COMMUNICATION WITH THE PUBLIC (continued)

(cf. 0510 - School Accountability Report Card)
(cf. 1020 - Youth Services)
(cf. 1113 - District and School Web Sites)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of those students must also be written in that primary language. In addition, the Americans with Disabilities Act (28 CFR 35.130 and 35.160) requires districts to provide services and aids to ensure that a disabled individual is not excluded from participation or denied a benefit, service, or program on the basis of a disability. See BP 0410 - Nondiscrimination in District Programs and Activities.

In developing communications strategies, the Superintendent or designee shall take into account the needs of all members of the public, including individuals with disabilities and those whose primary language is not English.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

The Superintendent or designee shall ensure that staff members are responsive to requests by parents/guardians or members of the public for information or assistance and may provide staff with professional development in their "customer service" role as needed.

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

The Superintendent or designee shall provide multiple opportunities for members of the public to give input on district and school issues and operations. Community members are encouraged to become involved in school activities, participate on district and school committees, provide input at Board meetings, submit suggestions to district staff, and use the district's complaint procedures as appropriate.

(cf. 1220 - Citizen Advisory Committees)
(cf. 1230 - School-Connected Organizations)
(cf. 1240 - Volunteer Assistance)
(cf. 1250 - Visitors/Outsiders)
(cf. 1260 - Educational Foundation)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3555 - Nutrition Program Compliance)
(cf. 6020 - Parent Involvement)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)

COMMUNICATION WITH THE PUBLIC (continued)

Prohibition Against Mass Mailings at Public Expense

Note: Government Code 82041.5 and 89001 and 2 CCR 18901 prohibit the use of public funds for a mass mailing which features a Board member or includes the name, signature, or photograph of a Board member, except as specifically allowed by law. "Mass mailing" is defined as over 200 substantially similar pieces of mail sent in a single calendar month or course of an election. A "mass mailing" does not include form letters or mail sent in response to an unsolicited request, letter, or other inquiry or permissible informational materials otherwise authorized by law.

In addition, Education Code 7054 and 2 CCR 18901.1 prohibit the use of public funds for a mass mailing that (1) expressly advocates the election or defeat of a candidate or the qualification, passage, or defeat of a ballot measure or (2) if taken in context, unambiguously urges an election result. Violation of these provisions could result in an enforcement action by the Fair Political Practices Commission. See BP 1160 - Political Processes for language regarding the use of district funds for activities related to ballot measures, candidates, or lobbying.

Because these laws are very complex, with complicated definitions and numerous exceptions, districts should consult with legal counsel if there is a question about the appropriateness of a planned mailing.

~~No newsletter or other mass mailing, as defined in Government Code 82041.5 and 2 CCR 18901, shall be sent by the district at public expense if such material aggrandizes one or more Board members. The name, signature, or photograph of a Board member may be included in such materials only as permitted by 2 CCR 18901. (Government Code 82041.5, 89001; 2 CCR 18901)~~

Any newsletter or mass mailing regarding ballot measures, candidates, legislative activities, or any other campaign activities shall be sent and distributed in accordance with law and Board policy.

(cf. 1160 - Political Processes)

Comprehensive Communications Plan

Note: A comprehensive district communications plan may include strategies for internal and external communications on issues that are important to the district and community. The plan also may incorporate specific communications strategies required by other Board policies and administrative regulations; for example, see AR 0450 - Comprehensive Safety Plan, BP 1112 - Media Relations, AR 3516 - Emergencies and Disaster Preparedness Plan, and BP/AR 6020 - Parent Involvement.

The Superintendent or designee shall develop a written communications plan which establishes priorities for proactive community outreach to build support for district programs and issues. The plan shall identify specific communications goals aligned with the district's vision and goals for student learning. For each communications goal, the plan shall identify key messages, individuals or groups that can help the district achieve its goal, strategies tailored to each target audience, timelines, persons responsible for each activity, and budget implications.

COMMUNICATION WITH THE PUBLIC (continued)

(cf. 0200 - Goals for the School District)

As appropriate for each issue, target audiences may include parents/guardians, the media, local governmental agencies, businesses, community organizations and civic groups, postsecondary institutions, health care professionals, child care providers, community leaders, state or federal legislators or agencies, and/or other segments of the public.

The plan shall incorporate strategies for effective communications during a crisis or other emergency situation that may arise.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee shall periodically evaluate the implementation and effectiveness of the district's communications plan and recommend to the Board whether the goals and key issues identified in the plan need to be revised to meet changing circumstances or priorities.

Legal Reference:

EDUCATION CODE

7054 Use of district property or funds re: ballot measures and candidates

35145.5 Board meetings, public participation

35172 Promotional activities

38130-38138 Civic Center Act

48980-48985 Parental notifications

GOVERNMENT CODE

54957.5 Meeting agendas and materials

82041.5 Mass mailing

89001 Newsletter or mass mailing

CODE OF REGULATIONS, TITLE 2

18901 Mass mailings sent at public expense

18901.1 Campaign-related mailings sent at public expense

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

Management Resources:

WEB SITES

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

California School Public Relations Association: <http://www.calspra.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

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Community Relations

COMMUNICATION WITH THE PUBLIC

The Governing Board recognizes the district's responsibility to keep the public informed regarding the goals, programs, achievements, needs of the schools and district and to be responsive to the concerns and interest expressed by members of the community.

The Superintendent or designee shall establish strategies for effective two-way communications between the district and the public and shall consult with the Board regarding the role of Board members as advocates for the district's students, programs, and policies.

The Superintendent or designee shall distribute communications protocols and procedures to the Board and staff, which include, but are not limited to, identification of spokesperson(s) authorized to speak to the media on behalf of the district, job descriptions that identify the responsibilities of the public information officer and other staff members related to communications with the public, strategies for coordinating communications activities, legal requirements pertaining to confidentiality as well as the public's right to access records, and the importance of presenting a consistent, unified message on district issues.

Board President shall be the media spokesperson for the Board unless otherwise designated.

The Superintendent or designee shall utilize a variety of communications methods in order to provide the public with adequate access to information. Such methods may include, but not be limited to, district and school newsletters, mailings, the district and school web sites, direct email communications, recorded telephone messages for parent/guardian information, school accountability report cards, community forums and public events, notices sent home with students, and news releases and meetings with editorial boards.

In developing communications strategies, the Superintendent or designee shall take into account the needs of all members of the public, including those whose primary language is not English and those who are visually or hearing impaired or have other special needs.

The Superintendent or designee shall ensure that staff are responsive to requests by parents/guardians or members of the public for information or assistance and may provide staff with professional development in their "customer service" role as needed.

The Superintendent or designee shall provide multiple opportunities for members of the public to give input on district and school issues and operations. Community members are encouraged to participate on district and school committees, provide input at Board meetings, submit suggestions to district staff, use the district's complaint procedures as appropriate, and become involved in school activities.

COMMUNICATION WITH THE PUBLIC (continued)

Comprehensive Communications Plan

The Superintendent or designee shall develop a written communications plan which establishes priorities for proactive community outreach to build support for district programs and issues. The plan shall also incorporate strategies for effective communications during an emergency or other situation that may arise.

The plan shall identify specific communications goals aligned with the district's vision and goals for student learning. For each communications goal, the plan shall identify key messages, individuals or groups that can help the district achieve its goal, strategies tailored for communicating with each target audience, timelines, persons responsible for each activity, and budget implications.

As appropriate for each issue, target audiences may include parents/guardians, the media, local governmental agencies, businesses, community organizations and civic groups, postsecondary institutions, health care professionals, child care providers, senior citizens, community leaders, state or federal legislators or agencies, and/or other segments of the public.

The Superintendent or designee shall annually evaluate the implementation and effectiveness of the district's communications plan and recommend to the Board whether the goals and key issues identified in the plan need to be revised to meet changing circumstances or priorities.

- (cf. 1000 - Concepts and Roles)
- (cf. 9000 - Role of the Board)
- (cf. 1112 - Media Relations)
- (cf. 1340 - Access to District Records)
- (cf. 3580 - District Records)
- (cf. 5125 - Student Records)
- (cf. 5125.1 - Release of Directory Information)
- (cf. 9005 - Governance Standards)
- (cf. 9010 - Public Statements)
- (cf. 9011 - Disclosure of Confidential/Privileged Information)
- (cf. 0510 - School Accountability Report Card)
- (cf. 1113 - District and School Web Sites)
- (cf. 5145.6 - Parental Notifications)
- (cf. 4131 - Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4331 - Staff Development)
- (cf. 1220 - Citizen Advisory Committees)
- (cf. 1230 - School-Connected Organizations)
- (cf. 1240 - Volunteer Assistance)
- (cf. 1260 - Educational Foundation)
- (cf. 1312.1 - Complaints Concerning District Employees)
- (cf. 1312.2 - Complaints Concerning Instructional Materials)
- (cf. 1312.3 - Uniform Complaint Procedures)

COMMUNICATION WITH THE PUBLIC (continued)

(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 6020 - Parent Involvement)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 1160 - Political Processes)
(cf. 1330 - Use of School Facilities)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

35145.5 Board meetings, public participation
35172 Promotional activities
38130-38138 Civic Center Act

GOVERNMENT CODE

54957.5 Meeting agendas and materials
82041.5 Mass mailing
89001 Newsletter or mass mailing

CODE OF REGULATIONS, TITLE 2

18901 Mass mailings sent at public expense

Management Resources:

CSBA PUBLICATIONS

Mass Mailings at Public Expense, Legal Advisory, January 2007
911: A Manual for Schools and the Media During a Campus Crisis, 2001
Political Activities of School Districts: Legal Issues, rev. 2001
Maximizing School Board Governance: Community Leadership, 1996

WEB SITES

CSBA: <http://www.csba.org>
California School Public Relations Association: <http://www.calspra.org>
Fair Political Practices Commission: <http://www.fppc.ca.gov>

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CSBA Sample Board Policy

Community Relations

BP 1160(a)

POLITICAL PROCESSES

Note: The following **optional** policy addresses political activities conducted by members of the Governing Board or district staff acting on behalf of the district. It does not apply to individuals acting as private citizens on their own time and at their own expense. When acting as private citizens, individuals have broad rights under the First Amendment to engage in political activities, including taking positions on electoral measures and candidates and establishing and participating in political action committees.

Education Code 7055 authorizes the district to establish reasonable regulations related to employees engaging in political activity. See BP/AR 4119.25/4219.25/4319.25 - Political Activities of Employees for language implementing this statute as well as language regarding activities by employee organizations.

The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. The Board shall be proactive in defining the district's advocacy agenda based on the district's vision and goals and the needs of the district and community. The Board's advocacy efforts shall be conducted in accordance with legal requirements.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

(cf. 9000 - Role of the Board)

(cf. 9010 - Public Statements)

Ballot Measures/Candidates

No district funds, services, supplies, or equipment shall be used to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

Note: Whether an activity is an appropriate use of public funds or an impermissible campaign activity is a complicated analysis. In Vargas v. City of Salinas, the California Supreme Court created three categories of activities: (1) permissible informational activities, such as resolutions and providing objective analysis; (2) impermissible campaign activities, such as producing or distributing literature that urges a voter to act a certain way; or (3) unclear activities which do not fall into either group and must be analyzed looking at the "style, tenor, and timing" of the activity. The following two paragraphs reflect the court's analysis of permissible activities. District legal counsel should be consulted when there is a question as to whether an activity is permissible.

The Board may discuss and study the potential effect of proposed or qualified ballot measures on the district's schools at an open and agendaized Board meeting. The Board's discussion of the effect of such measures shall include an opportunity for staff and members of the public to speak on all sides of the issue. At that meeting, the Board may adopt a position or resolution in support of or in opposition to a ballot measure. The language in any

POLITICAL PROCESSES (continued)

resolution adopted by the Board shall not urge the public to take any action regarding the measure.

(cf. 9320 - Meetings and Notices)

The Board's position on a ballot measure, including any resolution, shall be publicized only through normal district procedures and consistent with regular district practice for reporting Board actions. Such publicity shall be for informational purposes and shall not attempt to influence voters.

Note: When it is unclear whether a campaign activity is permissible, the court will analyze the activity based on its "style, tenor and timing" to determine whether it involves an appropriate expenditure of public funds. Examples of things that a court might look for include how the material was distributed (i.e., special edition or regular publication), the language used in the publication (i.e., inflammatory or informational), and whether the distribution was consistent with regular district practice (i.e., regular circulation or special mailing). Districts should be cautious and ensure that any such informational material is an appropriate use of district funds.

The Superintendent or designee may use district resources to provide students, parents/guardians, and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the district. (Education Code 7054)

(cf. 1100 - Communication with the Public)

In preparing or distributing such informational material, the Superintendent or designee shall analyze the material to help ensure that it is an appropriate informational activity, provides a fair analysis of the issues, and does not advocate passage or defeat of a measure or candidate.

Note: In Vargas v. City of Salinas, the court offered examples of activities which would be impermissible campaign activities, as reflected in the following paragraph. In addition, 2 CCR 18901.1 prohibits the use of public funds for a newsletter or "mass mailing" which expressly advocates the election or defeat of a ballot measure or candidate or, when taken in context, urges a particular result. Because violation of this regulation could result in enforcement action by the Fair Political Practices Commission (FPPC), districts should proceed with caution and consult with legal counsel, as appropriate.

District resources, including email or computer systems, shall not be used to disseminate campaign literature. In addition, district resources shall not be used to purchase advertisements, bumper stickers, posters, or similar promotional items that advocate an election result or urge voters to take any action in support of or in opposition to a measure.

(cf. 1325 - Advertising and Promotion)

POLITICAL PROCESSES (continued)

Note: Both the courts (Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments) and the Attorney General (88 Ops.Cal.Attv.Gen. 46 (2005)) have provided guidance as to the appropriate use of district funds when the district is preparing to submit a bond proposal to the voters for approval. The key distinction is whether the action is taken before or after the measure has been placed on the ballot and whether the activity is directed at swaying voters. Permissible expenditures include researching the need for the measure, formulating and drafting the proposal, and conducting polling and focus groups to assess the feasibility of the measure. Impermissible activities include recruiting and organizing supporters for a campaign, raising funds for the campaign, or hiring a consultant to develop a strategy for building support for the measure.

Political activity related to district bond measures shall, in addition to the above, be subject to the following conditions:

1. The Superintendent or designee may research, draft, and prepare a district bond measure or other initiative for the ballot, but shall not use district resources to influence voters or otherwise campaign for the measure.
2. Upon request, Board members and district administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)

If the presentation occurs during working hours, the employee representing the district shall not urge a citizens' group to vote for or against the bond measure.

3. The Board or any individual Board member may file a written argument for the ballot that is either for or against any school measure. (Elections Code 9501)

Legislation

Note: Pursuant to Government Code 53060.5, the district may engage in legislative activities and lobbying, either directly or through a representative, and the cost of this activity is an appropriate use of district funds. Lobbying activities are regulated by the FPPC (2 CCR 18600-18640) and governed by the Political Reform Act (Government Code 81000-91015).

The Board's responsibility as an advocate for the district may include lobbying and outreach at the state, national, and local levels. The Board and Superintendent or designee shall work to establish and maintain ongoing relationships with elected officials, community leaders, and the media in order to communicate district positions and concerns.

(cf. 1020 - Youth Services)

(cf. 1112 - Media Relations)

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

(cf. 7131 - Relations with Local Agencies)

POLITICAL PROCESSES (continued)

The Board and Superintendent shall develop an advocacy action plan to define expectations and responsibilities. This plan may include, but is not limited to, legislative priorities, strategies for outreach to the media and community, development of key messages and talking points, and adoption of positions on specific legislation, regulations, or budget proposals.

In order to strengthen legislative advocacy efforts, the district may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members in accordance with Government Code 53060.5.

Note: Although the district has the authority to lobby the legislature, it cannot use district resources to urge the public to lobby the legislature on its behalf. In Miller v. Miller the court concluded that urging the public was impermissible election campaigning because the activity was directed to the public and not the legislature.

The district may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its advocacy activities. However, informational materials about legislation shall not urge the public to lobby the legislature, Governor, or state agencies on behalf of the district.

Note: An appellate court held in League of Women Voters v. Countywide Criminal Justice Coordination Committee that the drafting of legislative proposals was a permissible use of public funds since it was more similar to the exercise of a local agency's governing authority than a campaign activity.

As necessary, the Board may direct the Superintendent or designee to draft legislative or regulatory proposals which serve the district's interests.

Legal Advocacy

Note: When an issue requires resolution in the courts rather than through legislation, it is permissible for districts to use public funds to initiate or participate in legal advocacy. Toward these ends, districts may choose to join with other districts in a group, such as CSBA's Education Legal Alliance which funds and supports litigation in cases of statewide significance to its members.

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to resolve the issue through litigation or other appropriate means.

(cf. 9124 - Attorney)

(cf. 9321 - Closed Session Purposes and Agendas)

POLITICAL PROCESSES (continued)

Political Forums

Forums on political issues may be held in district facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

(cf. 1330 - Use of School Facilities)

Legal Reference: (see next page)

POLITICAL PROCESSES (continued)

Legal Reference:

EDUCATION CODE

7050-7058 Political activities of school officers and employees, including:

7054 Use of district property

7054.1 Requested appearance

7056 Soliciting or receiving political funds

35160 Authority of governing boards

35172 Promotional activities

ELECTIONS CODE

9501 School district elections, arguments for or against a measure

GOVERNMENT CODE

8314 Unlawful use of state resources

53060.5 Attendance at legislative body; expenses

54953.5 Right to record proceedings

54953.6 Broadcasts of proceedings

81000-91015 Political Reform Act, including:

82031 Definition of independent expenditure

CODE OF REGULATIONS, TITLE 2

18600-18640 Lobbyists

18901.1 Campaign related mailings sent at public expense

COURT DECISIONS

Vargas v. City of Salinas, (2009) 46 Cal. 4th 1

Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments, (2008) 167 Cal.App.4th 1229

Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620

Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415

League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203

Cal.App.3d 529

Miller v. Miller, (1978) 87 Cal.App.3d 762

Stanson v. Mott, (1976) 17 Cal. 3d 206

ATTORNEY GENERAL OPINIONS

88 *Ops.Cal.Attv.Gen.* 46 (2005)

73 *Ops.Cal.Attv.Gen.* 255 (1990)

Management Resources:

CSBA PUBLICATIONS

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011

Legal Guidelines for Lobbying Activity, Fact Sheet, February 2011

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Legal Issues Associated with Use of Public Resources and Ballot Measure Activities, June 2010

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute for Local Government: <http://www.ca-ilg.org>

(2/96 6/98) 3/11

Community Relations

POLITICAL PROCESSES

The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. To the extent possible, the Board shall be proactive in defining the district's advocacy agenda based on the needs of the district and the direction set forth in the district's vision and goals.

The Board may establish reasonable regulations related to Board members and employees engaging in political activity during working hours and on district premises. (Education Code 7055)

Legislation

The Board's responsibility as an advocate for the district may include lobbying at the state and national levels.

Because local governments also make decisions which impact the district's schools, the Board and the Superintendent or designee shall work to establish ongoing relationships with city and county officials and agencies, and shall inform them of the potential effect of local issues on the schools.

The Board shall identify issues that will affect its schools and the children in its community, establish goals and priorities for legislative advocacy, solicit community input and adopt legislative positions. The Superintendent or designee shall establish a coordinated plan for carrying out the advocacy agenda, including specific activities, target groups or individuals, staff responsibilities and timelines.

In order to strengthen legislative advocacy efforts, the district may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members.

As necessary, the Superintendent or designee may draft legislative proposals which serve the district's interests.

The Board may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its legislative advocacy activities. However, the Board shall not urge the public to lobby the legislature on behalf of the district.

POLITICAL PROCESSES (continued)

Ballot Measures/Candidates

The Board may study the potential effect of ballot measures on the district's schools. Any Board discussion of the effect of such measures shall include an opportunity for Board members, staff and members of the public to speak on all sides of the issue. Following such study, the Board may adopt positions in support of or in opposition to ballot measures of importance to education.

The Board's positions shall be publicized only through normal district procedures for reporting Board actions and in a manner that does not attempt to influence voters.

No district funds, services, supplies or equipment shall be used to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

District resources shall not be used to disseminate campaign literature or to purchase advertisements, bumper stickers, posters or similar promotional items that advocate an election result.

The Superintendent or designee may use district resources to provide students, parents/guardians and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the district. (Education Code 7054)

In preparing or distributing such information, the Superintendent or designee shall ensure that the totality of the circumstances, including language, style, tenor and timing, does not expressly advocate passage or defeat of a measure or candidate.

The Superintendent or designee may research, draft and prepare a bond measure or other initiative for the ballot, but shall not use district resources to secure signatures in order to qualify the measure for the ballot.

Upon request, Board members and district administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)

If the presentation occurs during working hours, the district representative shall not urge a citizens' group to vote for or against the bond measure.

For informational purposes, the Superintendent or designee may conduct a poll related to a ballot issue. Such a poll shall not advocate a particular position on the issue.

POLITICAL PROCESSES (continued)

Legal Advocacy

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to challenge the issue through litigation or other appropriate means.

Political Forums

Forums on political issues may be held in district facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

- (cf. 0000 - Vision)
- (cf. 0200 - Goals for the School District)
- (cf. 9000 - Role of the Board)
- (cf. 9010 - Public Statements)
- (cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)
- (cf. 1020 - Youth Services)
- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
- (cf. 7131 - Relations with Local Agencies)
- (cf. 1100 - Communication with the Public)
- (cf. 1112 - Media Relations)
- (cf. 9323 - Meeting Conduct)
- (cf. 1325 - Advertising and Promotion)
- (cf. 9124 - Attorney)
- (cf. 1330 - Use of School Facilities)

Legal Reference:

EDUCATION CODE

- 7054 Use of district property
- 7054.1 Requested appearance
- 7055 Local rules
- 7056 Soliciting or receiving political funds
- 7058 Use of forum
- 35160 Authority of governing boards
- 35172 Promotional activities

GOVERNMENT CODE

- 50023 Attending legislature to support or oppose legislation
- 53060.5 Attendance at legislative body; expenses
- 54953.5 Right to record proceedings

POLITICAL PROCESSES (continued)

54953.6 Broadcasts of proceedings

81000-91015 Political Reform Act

COURT DECISIONS

Stanson v. Mott, (1976) 17 Cal. 3d 206

Miller v. Miller, (1978) 87 Cal.App.3d 762

League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529, 250 Cal. Rptr. 161, rev.den.

Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415

Yes on Measure A v. City of Lake Forest (1997) 60 Cal.App.4th 620

Scherer v. Buchanan, First Appellate District, Civil No. A076648

ATTORNEY GENERAL OPINIONS

73 Ops.Cal.Atty.Gen. 255 (1990)

Management Resources:

OFFICE OF LEGISLATIVE COUNSEL

Advice letter #7837, March 18, 1996 (use of public funds to publicize board positions)

FAIR POLITICAL PRACTICES COMMISSION

FPPC No. 93/345 (1996)

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998

Maximizing School Board Leadership: Community Leadership, 1996

CSBA Sample Board Policy

Administration

BP 2140(a)

EVALUATION OF THE SUPERINTENDENT

Note: The following **optional** policy should be revised to ensure consistency with specific evaluation provisions of the Superintendent's contract. Information and training on effective superintendent evaluation are available through CSBA's Governance Consulting Services.

The Governing Board recognizes that, in order to effectively fulfill its responsibilities for setting direction, ensuring accountability, and providing community leadership for the district, it must adopt measures for holding the Superintendent accountable. At a minimum, the Board shall annually conduct a formal evaluation of the Superintendent's performance to assess his/her effectiveness in leading the district toward established goals. In addition, the evaluation process may include opportunities during the year for review of the Superintendent's progress toward meeting the goals. The evaluation shall be in accordance with the provisions of the Superintendent's contract and any applicable Board policy.

(cf. 0000 - Vision)

(cf. 2121 - Superintendent's Contract)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

Note: In Duval v. Board of Trustees, the court held that a board could meet in closed session to select the criteria for the superintendent's evaluation, establish a fact-gathering mechanism, and designate particular areas of emphasis because these actions might reflect the board's initial perception of the superintendent's performance since the last evaluation. District legal counsel should be consulted with questions regarding the permissible scope of closed session discussions regarding superintendent evaluation.

Evaluation criteria shall be agreed upon by the Board and Superintendent prior to the evaluation and shall include, but not be limited to, district goals and success indicators; educational, management, and community leadership skills; and the Superintendent's professional relationship with the Board.

(cf. 2110 - Superintendent Responsibilities and Duties)

(cf. 2111 - Superintendent Governance Standards)

The Board and Superintendent shall jointly determine the evaluation method(s) and schedule that will best serve the district and the structure and format of the instrument to be used.

Prior to the evaluation, the Superintendent shall provide to the Board for its review a report of progress toward district goals, the Superintendent's self-appraisal of accomplishments and performance, and a statement of actions taken to address any Board recommendation from the previous evaluation.

EVALUATION OF THE SUPERINTENDENT (continued)

Note: Typically, each Board member individually evaluates the Superintendent and those individual evaluations are then summarized into one document. In some districts, the Board president is given the authority to develop this composite while, in others, the Board appoints a subcommittee or another Board member to develop it. The full Board takes action on the composite document that is given to the Superintendent. The following paragraph is **optional** and may be modified to reflect district practice.

Each Board member shall independently evaluate the Superintendent's performance. Based on these individual evaluations, the Board president shall produce a document that summarizes the individual evaluations. The Board shall then take action on this document and present it to the Superintendent for his/her response.

The evaluation shall provide commendations in areas of strength and achievement, provide recommendations for improving effectiveness in areas of concern and unsatisfactory performance, and serve as a basis for making decisions about salary increase and/or contract extension.

The Board shall meet in closed session with the Superintendent to discuss the evaluation. (Government Code 54957)

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

The Superintendent shall have an opportunity to ask questions, respond verbally and in writing to the evaluation, and present additional evidence of his/her performance or district progress.

After the Board and Superintendent have discussed the evaluation, the Board president and Superintendent shall sign the evaluation and it shall be placed in the Superintendent's personnel file.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

At the open session after the Superintendent's evaluation or at a subsequent meeting, the Board and Superintendent shall jointly identify performance goals for the next year.

(cf. 9400 - Board Self-Evaluation)

Legal Reference: (see next page)

EVALUATION OF THE SUPERINTENDENT (continued)

Legal Reference:

GOVERNMENT CODE

53262 *Employment contracts, superintendent*

54957 *Closed session, personnel matters*

COURT DECISIONS

Duval v. Board of Trustees, (2001) 93 Cal.App.4th 902

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Evaluation, 2006

WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

(7/01 7/04) 3/11

Administration

EVALUATION OF THE SUPERINTENDENT

The Board of Trustees shall annually conduct a formal evaluation of the Superintendent's performance in order to assess his/her effectiveness in leading the district toward established goals. The Board and Superintendent shall establish an appropriate schedule for the annual evaluation process.

Evaluation criteria shall be based on district goals and success indicators agreed upon by the Board and Superintendent prior to the evaluation. The evaluation shall provide commendations in areas of strength, provide recommendations for improving effectiveness, and serve as a basis for making decisions about salary increases and/or contract extension.

The Board and Superintendent shall annually consider what evaluation method(s) will best serve the district and agree on the specific written instrument to be used.

Prior to the evaluation, the Superintendent shall be responsible for preparing and distributing to the Board for its review a report of progress toward district goals, the Superintendent's self-appraisal of accomplishments and performance, and a review of action taken to address any Board recommendations from the previous evaluation. The Board shall also review the Superintendent's current contract and any relevant Board policies.

Each Board member shall independently evaluate the Superintendent's performance. The Board shall determine who will summarize and combine the individual evaluations to create a consensus document and how that consensus document will be formatted. The evaluation shall be a composite of individual Board members' opinions, but there shall be only one final evaluation representing the Board's collective judgment. This final evaluation shall be provided to the Superintendent for his/her response.

The Board shall meet in closed session with the Superintendent to discuss the evaluation. (Government Code 54957)

The Superintendent shall have an opportunity to ask questions, respond verbally and in writing to the evaluation, and present additional evidence of his/her performance or district progress.

The Board president and Superintendent shall sign the evaluation as evidence that the evaluation has been discussed. The Superintendent shall place the evaluation in his/her personnel file.

EVALUATION OF THE SUPERINTENDENT (continued)

After each evaluation has been completed, the Board shall meet in open session to give the Board and Superintendent an opportunity to jointly identify performance goals for the next year.

- (cf. 0000 - Vision)
- (cf. 2121 - Superintendent's Contract)
- (cf. 9000 - Role of the Board)
- (cf. 2110 - Superintendent Responsibilities and Duties)
- (cf. 9321 - Closed Session Purposes and Agendas)
- (cf. 4112.6/4212.6/4312.6 - Personnel Files)
- (cf. 2111 - Superintendent Governance Standards)
- (cf. 9005 - Governance Standards)
- (cf. 9400 - Board Self-Evaluation)

Legal Reference:

GOVERNMENT CODE

54957 Closed session, personnel matters

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Evaluation, 2004

WEB SITES

Association of California School Administrators: <http://www.acsa.org>

CSBA, Single District Governance Services: <http://www.csba.org/sds>

(10/94 7/01) 7/04
Approved 8/10/05

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3513.3(a)

TOBACCO-FREE SCHOOLS

The Governing Board recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)
(cf. 4159/4259/4359 - Employee Assistance Programs)
(cf. 5030 - Student Wellness)
(cf. 5131.62 - Tobacco)
(cf. 5141.23 - Asthma Management)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

Note: Health and Safety Code 104420 **mandates** districts receiving Tobacco-Use Prevention Education (TUPE) funds to adopt a tobacco-free schools policy that prohibits the use of tobacco anytime, anywhere in district-owned or leased buildings, on district property, and in district vehicles (Option 1 below). Districts must certify compliance with this requirement by submitting a California Department of Education (CDE) certification form and supporting documentation to the county office of education's TUPE coordinator by July 1 in order to apply for TUPE funding for that fiscal year. The certification process also requires submission of the district's written policy and enforcement procedures; see the accompanying administrative regulation for enforcement procedures.

Districts that do not receive TUPE funds may select Option 2 below, which prohibits smoking only in enclosed spaces pursuant to Labor Code 6404.5 and 20 USC 6083, or may choose the more stringent requirements in Option 1.

OPTION 1: (Districts Receiving TUPE Funds)

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)
(cf. 1330.1 - Joint Use Agreements)

Note: State law does not define "tobacco products" for purposes of the district's tobacco-free schools policy. The CDE's web site recommends that a district's policy define "tobacco products" to prohibit the use of

TOBACCO-FREE SCHOOLS (continued)

products containing tobacco or nicotine, including nicotine delivery devices such as electronic cigarettes which provide an inhalable dose of nicotine by delivering a vaporized solution. Health and Safety Code 119405, added by SB 882 (Ch. 312, Statutes of 2010), makes it unlawful for a person to sell or otherwise furnish an electronic cigarette to a minor under age 18.

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Exceptions may be made for the use or possession of prescription nicotine products.

OPTION 2: ~~(Districts Not Receiving TUPE Funds)~~

~~In accordance with law, smoking is prohibited in district vehicles and in all enclosed spaces in district facilities, including, but not limited to, lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of the building. (Labor Code 6404.5; 20 USC 6083)~~

~~Note: Only districts selecting Option 2 may use the following optional paragraph.~~

~~Pursuant to Labor Code 6404.5, a district may provide breakrooms designated for smoking provided that (1) air from the smoking room is exhausted directly to the outside by an exhaust fan, (2) the district complies with ventilation and other standards adopted by the Occupational Safety and Health Standards Board or the federal Environmental Protection Agency, (3) the smoking room is located in a nonwork area where no one is required to enter as part of his/her work responsibilities, and (4) there are sufficient nonsmoking breakrooms to accommodate nonsmokers.~~

~~The Superintendent or designee may provide employee breakrooms designated for smoking only if such rooms meet the requirements of Labor Code 6404.5 and are not accessible to minors. Employees and visitors may smoke outside on school or district grounds except in those areas designated as nonsmoking or otherwise prohibited by law.~~

~~Note: The following paragraph is for use by all districts.~~

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

Legal Reference: (see next page)

TOBACCO-FREE SCHOOLS (continued)

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7100-7117 Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

PERB RULINGS

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:

<http://www.cde.ca.gov/ls/he/at>

California Department of Education, Tobacco-Free School District Certification:

<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

U.S. Environmental Protection Agency: <http://www.epa.gov>

(7/02 7/03) 3/11

Business and Noninstructional Operations

TOBACCO-FREE SCHOOLS

The Board of Trustees recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

Districts Receiving TUPE Funds

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within the boundaries of any playground. (Health and Safety Code 104495)

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 5131.62 - Tobacco)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention

104495 Prohibition of smoking and tobacco waste on playgrounds

LABOR CODE

6404.5 Occupational safety and health: use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

PUBLIC LAW 107-110

4111-4117 Safe and Drug Free Schools and Communities Act

TOBACCO-FREE SCHOOLS (continued)

PERB RULINGS

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Eureka Teachers Assn v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

Management Resources:

WEB SITES

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

California Department of Health Services: <http://www.dhs.ca.gov>

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CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3513.3(a)

TOBACCO-FREE SCHOOLS

Notifications

Note: Districts receiving Tobacco-Use Prevention Education (TUPE) funds are required by Health and Safety Code 104420 to communicate information about the district's tobacco-free schools policy. Districts that do not receive TUPE funds may delete or revise the following paragraph.

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Note: The following **optional** paragraph may be revised to reflect district practice.

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

(cf. 1113 - District and School Web Sites)

OPTION 1: (Districts Receiving TUPE Funds)

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

OPTION 2: (Districts Not Receiving TUPE Funds)

Note: The following paragraph is for use by districts that do not receive TUPE funds and have selected Option 2 in the accompanying Board policy. If a district not receiving TUPE funds has chosen to adopt the more stringent prohibitions against smoking (see Option 1 in the accompanying Board policy), it should select Option 1 above.

At each entrance to a building or structure, the Superintendent or designee shall post a sign stating "No smoking" or "Smoking is prohibited except in designated areas" as appropriate. (Labor Code 6404.5)

Enforcement/Discipline

Note: Pursuant to Labor Code 6404.5, no employer shall knowingly or intentionally permit the smoking of tobacco products in an enclosed space at a place of employment. The effects of the district's tobacco policy,

TOBACCO-FREE SCHOOLS (continued)

including any disciplinary action taken against employees resulting from the enforcement of the policy, may be subjects of negotiation between the Governing Board and employee organizations. Pursuant to Education Code 48900(h), a student may be subject to disciplinary action when it is determined that he/she possessed or used tobacco or nicotine products; see AR 5144.1 - Suspension and Expulsion/Due Process.

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Note: Labor Code 6404.5 requires the district to take "reasonable steps" to prevent smoking by nonemployees. These reasonable steps include posting clear and prominent signs as specified in the "Notifications" section above and requesting that the nonemployee refrain from smoking in the enclosed workplace. The following **optional** paragraph may be revised to reflect district practice.

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

(10/94 7/02) 3/11

Business and Noninstructional Operations**TOBACCO-FREE SCHOOLS****Notifications**

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students and the community. (Health and Safety Code 104420)

Districts Receiving TUPE Funds

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

Enforcement/Discipline

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 1250 - Visitors/Outsiders)
(cf. 3515.2 - Disruptions)

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3516.3(a)

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM

Note: The following **optional** administrative regulation should be revised to reflect district practice.

Earthquake Preparedness

Earthquake emergency procedures shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

Note: Government Code 8607 and 19 CCR 2400-2450 require districts to be prepared to respond to emergencies using the Standardized Emergency Management System (SEMS). By Executive Order, the Governor has required each local agency to integrate the National Incident Management System with its SEMS. Districts should contact their local office of emergency services for further assistance. See BP/AR 3516 - Emergencies and Disaster Preparedness Plan.

Earthquake emergency procedures shall be aligned with the Standardized Emergency Management System and the National Incident Management System. (Government Code 8607; 19 CCR 2400-2450)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Note: The California Emergency Management Agency (Cal EMA) offers a number of publications that may assist the district in surveying school facilities and outside areas for potential earthquake hazards.

The Superintendent or designee may work with the California Emergency Management Agency and the Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

Earthquake emergency procedures shall outline the roles and responsibilities of students and staff during and after an earthquake.

Earthquake emergency procedures shall include, but not be limited to, all of the following: (Education Code 32282)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

2. A drop procedure whereby each student and staff member takes cover under a table or desk, dropping to his/her knees, with the head protected by the arms and the back to the windows

Note: Education Code 32282 requires regular practice of drop procedures in accordance with the timelines specified below. The following paragraph may be revised to reflect the grade levels offered by the district.

Drop procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools.

3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Staff and students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by staff in such an emergency. Staff and students also shall be taught safety precautions to take if they are in the open or on the way to or from school when an earthquake occurs.

Earthquake emergency procedures shall designate primary and alternative locations outside of buildings, which may include areas off campus if necessary, where individuals on a school site will assemble following evacuation. In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school buildings including, but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake emergency procedures also shall outline primary and alternative evacuation routes that avoid areas with potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

Note: The following optional paragraph is for use by any district with a school near the coastline making it susceptible to the risk of a tsunami after an earthquake has occurred.

The Superintendent or designee shall consider the danger of a post-earthquake tsunami when developing evacuation routes and locations, including the need to evacuate to higher ground.

The Superintendent or designee shall identify at least one individual within each building to determine if an evacuation is necessary, the best evacuation location, and the best route to that location when an earthquake occurs.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

The Superintendent or designee shall identify potential earthquake hazards in classrooms and other district facilities, including, but not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendant light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas, and unsecured furniture and equipment. To the extent possible, dangers presented by such potential hazards shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

Earthquake While Indoors at School

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.
2. In laboratories, burners should be extinguished, if possible, before taking cover.
3. As soon as possible, staff shall move students away from windows, shelves, and heavy objects or furniture that may fall.

Note: In <i>The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty</i> , the Cal EMA advises that evacuation should never be automatic as there may be as much danger outside the facility as inside, planned routes may not be clear, and lighting inside the building may be shut off.

4. After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly locations are safe and shall communicate with teachers and other staff.
5. When directed by the principal or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students under their supervision and shall evacuate the building in an orderly manner.

Earthquake While Outdoors on School Grounds

When an earthquake occurs, the following actions shall be taken by staff or other persons in authority who are outdoors on school grounds:

1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.
2. Staff shall have students perform the drop procedure.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

3. Staff shall have students stay in the open until the earthquake is over or until further directions are given.

Earthquake While on the Bus

If students are on the school bus when an earthquake occurs, the bus driver shall take proper precautions to ensure student safety, which may include pulling over to the side of the road or driving to a location away from outside hazards, if possible. Following the earthquake, the driver shall contact the Superintendent or designee for instructions before proceeding on the route or, if such contact is not possible, drive to an evacuation or assembly location.

(cf. 3543 - Transportation Safety and Emergencies)

Subsequent Emergency Procedures

After an earthquake episode has subsided, the following actions shall be taken:

1. Staff shall extinguish small fires if safe.
2. Staff shall provide first aid to any injured students, take roll, and report missing students to the principal or designee.
3. Staff and students shall refrain from lighting any stoves or burners or operating any electrical switches until the area is declared safe.
4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
5. The principal or designee shall post staff at safe distances from all building entrances and instruct staff and students to remain outside the buildings until they are declared safe.
6. The principal or designee shall request assistance as needed from the county or city civil defense office, fire and police departments, city and county building inspectors, and utility companies and shall confer with them regarding the advisability of closing the school.
7. The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.
8. The Superintendent or designee shall provide updates to parents/guardians of district students and members of the community about the incident, any safety issues, and follow-up directions.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

(cf. 1112 - Media Relations)

Legal Reference:

EDUCATION CODE

32280-32289 *School safety plans*

GOVERNMENT CODE

3100 *Public employees as disaster service workers*

8607 *Standardized Emergency Management System*

CODE OF REGULATIONS, TITLE 19

2400-2450 *Standardized Emergency Management System*

Management Resources:

CALIFORNIA EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty

Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003

School Emergency Response: Using SEMS at Districts and Sites, June 1998

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

WEB SITES

American Red Cross: <http://www.redcross.org>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Federal Emergency Management Agency: <http://www.fema.gov/hazards/earthquakes>

National Incident Management System: <http://www.fema.gov/emergency/nims>

(11/04 7/07) 3/11

Business and Noninstructional Operations

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM

Earthquake Preparedness

Earthquake emergency procedures shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive school safety plan. (Education Code 32282)

Earthquake emergency procedures shall be aligned with the Standardized Emergency management System and the National Incident Management System. (Government Code 8607; 19 CCR 2400-2450)

Earthquake emergency procedures shall include, but not limited to, all of the following: (Education Code 32282)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A drop procedure whereby each student and staff member takes cover under a table or desk dropping to his/her knees, with the head protected by the arms and the back to the windows.

Drop procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools.

3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

The Superintendent or designee may work with the California Office of Emergency Services and the Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

Earthquake emergency procedures also shall outline roles and responsibilities of students and staff during and after an earthquake.

Staff and students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by staff in such an emergency. Staff and students also shall be taught safety precautions to take if they are in the open or on the way to or from school when an earthquake occurs.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

Earthquake emergency procedures shall designate outside areas and alternative areas, which may include areas off campus if necessary, in which students will assemble following evacuation. In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school buildings including, but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake emergency procedures shall designate evacuation routes and alternative routes that avoid areas with potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

The Superintendent or designee shall identify potential earthquake hazards in classrooms and other district facilities. Potential hazards may include, but are not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendant light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas, and unsecured furniture and equipment. To the extent possible, such shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

Earthquake While Indoors at School

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.
2. In laboratories, burners should be extinguished if possible before taking cover.
3. As soon as possible, staff shall move the students away from windows, shelves, and heavy objects and furniture that may fall.
4. After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly areas are safe and shall communicate with teachers and other staff.
5. When directed by the principal or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students under their supervision and have the students evacuate the building in an orderly manner.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

Earthquake While Outdoors on School Grounds

When an earthquake occurs, the following actions shall be taken by staff or other persons in authority who are outdoors on school grounds:

1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.
2. Staff shall have students perform the drop procedure
3. Staff shall have students stay in the open until the earthquake is over or until further directions are given.

Earthquake While on the Bus

If students are on the school bus when an earthquake occurs, the bus driver shall take proper precautions to ensure student safety. The bus driver shall pull to the side of the road away from any outside hazards if possible, and turn off the ignition. As soon as possible, the driver shall contact the Superintendent or designee for instructions before proceeding on the route.

Subsequent Emergency Procedures

After the earthquake has subsided, the following actions shall be taken:

1. Staff shall extinguished small fires if possible.
2. Staff shall provide assistance to any injured students, take roll, and report missing students to the principal or designee.
3. Staff and students shall not light any stoves or burners until the area is declared safe.
4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
5. The principal or designee shall post staff at a safe distance from all building entrances and instruct staff and students not to reenter until the buildings are declared safe
6. The principal or designee shall request assistance as needed from the county or city civil defense office or fire and police departments, city and county building inspectors, and utility companies and shall confer with them regarding the advisability of closing the school.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

7. The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516 - Emergency and Disaster Preparedness Plan)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 3543 – Transportation Safety and Emergencies)

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System (SEMS)

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized Emergency Management System

Management Resources:

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

OFFICE OF EMERGENCY SERVICES PUBLICATIONS

The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty

Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003

School Emergency Response: Using SEMS at Districts and Sites, June 1998

WEB SITES

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

American Red Cross: <http://www.redcross.org>

California Office of Emergency Services: <http://www.oes.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Federal Emergency Management Agency (FEMA):

<http://www.fema.gov/hazards/earthquakes>

National Incident Management System (NIMS): <http://www.fema.gov/emergency/nims>

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Do NOT use
CSBA suggestion

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3550(a)

FOOD SERVICE/CHILD NUTRITION PROGRAM

Note: The following optional policy may be revised to reflect district practice and the meal programs offered by the district. Districts may receive reimbursements to offset the costs of meals through the National School Lunch Program (42 USC 1751-1769j), School Breakfast Program (42 USC 1773), Special Milk Program (42 USC 1772), or other federally reimbursable meal program as described in the Child Nutrition Act (42 USC 1771-1791). In addition, state funding for meals provided to needy children may be available through the State Meal Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for all available state and federal funds.

See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. For food sales outside the district's food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.

The Governing Board recognizes that adequate, nourishing food is essential to student health, development, and ability to learn. The Superintendent or designee shall develop strategies to increase students' access to the district's food service programs and to maximize their participation in available programs.

Foods and beverages available through the district's food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Note: 42 USC 1758b, as added by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), mandates each district participating in the National School Lunch Program (42 USC 1751-1769j) or any program in the Child Nutrition Act (42 USC 1771-1791), including the School Breakfast Program, to adopt a districtwide school wellness policy which includes nutrition guidelines for all foods available on school campuses; see BP 5030 - Student Wellness for language fulfilling this mandate. Also see the accompanying administrative regulation for state and federal legal requirements pertaining to nutrition standards.

2. Meet or exceed nutrition standards specified in law and administrative regulation

(cf. 3552 - Summer Meal Program)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

4. Be served in age-appropriate portions

Note: Students who meet federal eligibility criteria must be provided meals free of charge or at reduced prices in accordance with 42 USC 1758 and 1773 and Education Code 49550; see BP/AR 3553 - Free and Reduced Price Meals. Pursuant to Education Code 38084, the district may determine the price for other students consistent with the goal of paying the cost of maintaining the cafeterias; see BP 3551 - Food Service Operations/Cafeteria Fund. State and federal reimbursements for all child nutrition programs are administered by the CDE and are based on the number and type of meals served.

5. Be available to students who meet federal eligibility criteria at no cost or at reduced prices, and to other students at reasonable prices

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

(cf. 3553 - Free and Reduced Price Meals)

Note: The following **optional** paragraph may be revised to reflect district practice. Grant funding may be available through the Fresh Fruit and Vegetable Program (42 USC 1769a) to provide elementary students with a variety of free fresh fruits and vegetables throughout the school day as a supplement to school breakfast and lunch programs. Eligible schools are those that operate the National School Lunch Program and have 50 percent or more of students eligible for free and reduced-price meals.

The district's food service program shall give priority to serving unprocessed foods and fresh fruits and vegetables.

Note: No state or federal law directly governs the use of food produced by school gardens or local farms. However, both state and federal law support the concept of using locally grown and/or organic produce in school cafeterias (Education Code 51795-51797; 42 USC 1769). Thus, such use is allowable provided the foods comply with health and sanitation requirements as well as applicable nutrition standards.

District schools are encouraged to establish school gardens and/or farm-to-school projects to increase the availability of safe, fresh, seasonal fruits and vegetables for school meals and to support the district's nutrition education program.

(cf. 6142.8 - Comprehensive Health Education)

To encourage student participation in school meal programs, schools may offer multiple choices of food items within a meal service, provided all food items meet nutrition standards and all students are given an opportunity to select any food item.

The Superintendent or designee may invite students and parents/guardians to participate in the selection of foods of good nutritional quality for school menus.

The Board desires to provide students with adequate time and space to eat meals. To the extent possible, school, recess, and transportation schedules shall be designed to encourage participation in school meal programs.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

The Superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3517- Facilities Inspection)

(cf. 7110 - Facilities Master Plan)

Note: The district's food service program is subject to the food safety standards in the California Retail Food Code (Health and Safety Code 113700-114437). In addition, 42 USC 1758 and 7 CFR 210.13 and 220.7 require all schools participating in the National School Lunch and/or Breakfast Program to implement a food safety program for the storage, preparation, and service of school meals. See the accompanying administrative regulation for requirements of the food safety program.

In accordance with law, the Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation process, from receiving to service.

Note: The following **optional** paragraph may be revised to reflect program evaluation indicators and reporting schedules determined by the district. Education Code 49431 and 49431.2 express legislative intent that the Governing Board annually review the district's compliance with nutrition standards for foods sold outside the National School Lunch or Breakfast Program.

Pursuant to the U.S. Department of Agriculture's Food and Nutrition Services Instruction 113-1, any district participating in federal meal programs must collect racial and ethnic data on potentially eligible populations, applicants, and program participants; see BP 3555 - Nutrition Program Compliance.

The Superintendent or designee shall annually report to the Board on student participation in the district's nutrition programs and the extent to which the district's food services program meets state and federal nutrition standards for foods and beverages.

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

Legal Reference: (see next page)

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)*Legal Reference:*EDUCATION CODE

35182.5 Contracts, non-nutritious beverages
 38080-38103 Cafeteria, establishment and use
 45103.5 Contracts for management consulting services; restrictions
 49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
 49490-49494 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
 49550-49562 Meals for needy students
 49570 National School Lunch Act
 51795-51797 School gardens

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students
 15530-15535 Nutrition education
 15550-15565 School lunch and breakfast programs
 15575-15578 Requirements for foods and beverages outside federal meal programs

UNITED STATES CODE, TITLE 42

1751-1769j National School Lunch Program, including:
 1758b Local wellness policy
 1761 Summer Food Service Program and Seamless Summer Feeding Option
 1769a Fresh Fruit and Vegetable Program
 1771-1793 Child nutrition, especially:
 1772 Special Milk Program

1773 National School Breakfast Program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
 215.1-215.18 Special Milk Program
 220.1-220.21 National School Breakfast Program
 245.1-245.13 Eligibility for free and reduced-price meals and free milk

*Management Resources:*CSBA/PUBLICATIONS

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Meals Initiative Summary

Healthy Children Ready to Learn, January 2005

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

Management Resources continued: (see next page)

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Management Resources: (continued)

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

School Breakfast Toolkit

Fresh Fruit and Vegetable Program: Handbook for Schools, December 2010

Food Buying Guide for Child Nutrition Programs, December 2007

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005

Dietary Guidelines for Americans, 2005

WEB SITES

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

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

California Department of Public Health: <http://www.cdph.ca.gov>

California Farm Bureau Federation: <http://www.cfbf.com>

California Food Policy Advocates: <http://www.cfpa.net>

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California School Nutrition Association: <http://www.calsna.org>

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

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

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

(11/05 11/07) 3/11

Business and Noninstructional Operations

FOOD SERVICE/CHILD NUTRITION PROGRAM

Natomas Unified School District's Wellness Policies on Physical Activity and Nutrition

- Preamble
- Policies
- Nutrition and Wellness Committee
- Nutritional Quality of Foods and Beverages Sold and Served on Campus
- School Nutrition Environment
- Nutrition and Physical Activity Promotion and Food Marketing
- Physical Activity Opportunities and Physical Education
- Monitoring and Policy Review
- Reference and Footnotes

Wellness Policies on Physical Activity and Nutrition

Preamble

Whereas, children need access to healthful foods and opportunities to be physically active in order to grow, learn, and thrive;

Whereas, good health fosters student attendance and education;

Whereas, obesity rates have doubled in children and tripled in adolescents over the last two decades, and physical inactivity and excessive calorie intake are the predominant causes of obesity;

Whereas, heart disease, cancer, stroke, and diabetes are responsible for two-thirds of deaths in the United States, and major risk factors for those diseases, including unhealthy eating habits, physical inactivity, and obesity, often are established in childhood;

Whereas, nationally, the items most commonly sold from school vending machines, school stores, and snack bars include low-nutrition foods and beverages, such as soda, sports drinks, imitation fruit juices, chips, candy, cookies, and snack cakes;

Whereas, school districts around the country are facing significant fiscal and scheduling constraints; and

Whereas, community participation is essential to the development and implementation of successful school wellness policies;

Thus, the Natomas Unified School District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the Natomas Unified School District that:

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

- The school district will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies.
- All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- Foods and beverages sold or served at school will meet the nutrition recommendations of the *U.S. Dietary Guidelines for Americans*.
- Child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning.
- All schools in our district will participate in available federal school meal programs (including the School Breakfast Program, National School Lunch Program and After-school Snack Program.
- Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

TO ACHIEVE THESE POLICY GOALS:

I. Nutrition and Wellness Committee

The school district and/or individual schools within the district will create, strengthen, or work with existing Wellness Committee to develop, implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies. The Wellness Committee will also serve as resources to school sites for implementing those policies. (A Wellness Committee or Health Council consists of a group of individuals representing the school and community, and should include parents, students, and representatives of the school food authority, members of the school board, school administrators, teachers, health professionals, and members of the public.)

II. Nutritional Quality of Foods and Beverages Sold and Served on Campus

School Meals- Meals served through the National School Lunch and Breakfast Programs

- School meals should be made attractive to students by appealing to their taste preferences and meeting their cultural needs.
- School meals not only should provide the optimal nutrition that students need for growth, development, and academic achievement but also should support the development of healthful eating behaviors in students, including their learning to eat a variety of foods.
- School meals should be priced no lower than the cost of providing them so that school food programs are self-supporting.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Programs will:

- be appealing and attractive to children;
- be served in clean and pleasant settings;
- meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;
- offer a variety of seasonal fruits and vegetables;²
- serve only low-fat and fat-free milk³ and nutritionally-equivalent non-dairy alternatives (to be defined by USDA); and offer organic products where available, vegan and soy options and vegetarian entrees.
- increase servings of whole grains offered.^{3, 4}
- implement SB 965 regulations July 1, 2006

Schools should engage students and parents, through taste-tests of new entrees and surveys, in selecting foods sold through the school meal programs in order to identify new, healthful, and appealing food choices. In addition, schools should share information about the nutritional content of meals with parents and students. Such information could be made available on menus, a website, or other point-of-purchase materials.

Free and Reduced-Priced Meals

Schools will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals⁵. Toward this end, schools may utilize electronic identification and payment systems; promote the availability of school meals to all students; and/or use nontraditional methods for serving school meals or classroom breakfast.

Breakfast

To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- Schools will, to the extent possible, operate the School Breakfast Program.
- Schools will, to the extent possible, arrange bus schedules and utilize methods to serve school breakfasts that encourage participation, including serving breakfast in the classroom, or breakfast during morning break or recess.
- Schools that serve breakfast to students will notify parents and students of the availability of the School Breakfast Program.

Schools will encourage parents to provide a healthy breakfast for their children through newsletter articles, take-home materials, or other means.

Summer Food Service Program

Schools in which more than 70% of students are eligible for free or reduced-price school meals will sponsor the Summer Food Service Program for at least six weeks between the last day of the academic school year and the first day of the following school year, and preferably throughout the entire summer vacation.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**III. School Nutrition Environment**

- Adequate time and space for seating should be provided for students to eat school meals. Lunch periods should be scheduled to reduce student wait time for meals
- Nutrition education should be provided at all grade levels, pre-kindergarten through grade twelve
- Non-food rewards and incentives should be used when possible to encourage student achievement and desirable behavior
- School campus marketing and advertising (including advertising on vending machines, in school stores, in the cafeteria, and on closed-circuit television) should encourage healthy eating habits
- Water and water fountains should be usable and accessible to students throughout the school day
- Teachers and staff should be encouraged to model healthy eating and behaviors
- Healthy food choices should be provided when foods are sold as concessions at school sports events and special school activities.

Meal Times and Scheduling Schools:

- will provide students with at least 10 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch;
- should schedule lunch periods to follow recess periods (in elementary schools);
- should schedule meal periods at appropriate times, *e.g.*, lunch should be scheduled between 11 a.m. and 1 p.m.;
- should not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities;
- will insure that students are offered a regular lunch meal period during the school day on minimum days.
- will schedule lunches to minimize student wait times for meals, to insure that all students have access to a nutritional school meal and have adequate time to consume meal,
- will provide students access to hand washing or hand sanitizing before they eat meals or snacks; and
- should take reasonable steps to accommodate the tooth-brushing regimens of students with special oral health needs (*e.g.*, orthodontia or high tooth decay risk).

Qualifications of School Food Service Staff

As part of the school district's responsibility to operate a Nutrition Services program, we will provide continuing professional development for all nutrition professionals in schools. Staff development programs should include appropriate certification and/or training programs for child nutrition directors, school nutrition managers, and cafeteria workers, according to their levels of responsibility.⁶

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Reducing Exposure to Communicable Diseases

Schools should discourage students from trading or sharing their foods or beverages with one another during meal or snack times, in order to prevent the spread of disease, reduce exposure to food allergies and assist with student's dietary restrictions

Elementary Schools

The school food service program will approve and provide all food and beverage sales to students in elementary schools per (Per SB-12, SB-965 and/or current regulations). Food in elementary schools should be sold as balanced meals. If available, foods and beverages sold individually should be limited to low-fat and non-fat milk, fruits, fruit juice, water and non-fried vegetables. At no time during the school day until after the last lunch period has ended, may any sale compete with the National School Breakfast or Lunch program.

Middle /Junior High and High Schools

In middle/junior high and high schools, all foods and beverages sold/served individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines) during the school day per (Per SB-12, SB-965 and/or current regulations), will meet the following nutrition and portion size standards: At no time during the school day until after the last lunch period has ended, may any sale compete with the National School Breakfast or Lunch program.

Fundraising Activities

To support children's health and school nutrition-education efforts, school fundraising activities will not compete with School Lunch or Breakfast programs. Schools will encourage fundraising activities that promote physical activity and nutritious food choices. The district will disseminate a list of suggested ideas for acceptable fundraising activities.

Classroom Foods and Snacks

Natomas Unified recognizes that celebrating student special occasions with a classroom party is a time-honored tradition that provides the opportunity for parental involvement in the education of their children, which is beneficial for students, parents and teachers. Elementary classrooms may allow one nutritious snack per day under the teacher's supervision. The snack may be in the morning or afternoon but may not be at the same time as the regular meal periods for that class. The snack may be provided by the school food service, the teacher, parents or other groups and should be nutritious. This excludes meals prepared in class as part of a lesson plan or home-economics class.

Celebrations, Classroom Birthday Parties, Pizza Parties, Ice Cream Socials

The intent of the policy is to encourage the consumption of nutritious, well-balanced meals and to prevent competitive foods from being sold to students in place of the School Lunch & Breakfast Program. With the exception of school birthday parties, schools may not allow alternative meals (pizza, BBQ,

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

sandwiches, etc.) to be provided to students in competition with meals made available by the District Nutrition Service Department under the National School Lunch and School Breakfast Programs. However, such items may be provided if they are provided through the NSLP meal program and supplemented with components provided by Nutrition Services to become a reimbursable meal. This allows the addition of milk, fruits and vegetables for a complete nutritious meal as well as providing federal reimbursement funds to the district. Schools should limit celebrations that involve food during the school day to no more than one party per class per month. Each party should include no more than one food or beverage that does not meet nutrition standards for foods and beverages sold individually (Per SB-12, SB-965 and/or current regulations). Foods otherwise restricted by the policy are permitted in classroom student birthday parties. It is recommended such parties be scheduled after the end of the lunch period for the class so that these celebrations will not replace a nutritious lunch. The district will disseminate a list of healthy party ideas to parents and teachers.

Snacks

Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations. The district will disseminate a list of healthful snack items to teachers, after-school program personnel, and parents.

- If eligible, schools that provide snacks through after-school programs will pursue receiving reimbursements through the National School Lunch Program.
- An elementary school campus may not sell or serve competitive foods (or provide access to them through direct or indirect sales) to students anywhere on school premises throughout the school day until the end of the last scheduled class. This does not pertain to food items made available by the District Nutrition Services Department.

Rewards

Schools will not use foods or beverages, especially those that do not meet the nutrition standards for foods and beverages sold individually, as rewards for academic performance or good behavior,¹⁰ and will not withhold food or beverages (including food served through school meals) as a punishment.

School-Sponsored Events (such as, but not limited to, athletic events, dances, or performances)

At least 50 percent of foods and beverages offered or sold at school-sponsored events outside the school day should meet the nutrition standards for meals or for foods and beverages sold individually.

Competitive Foods for Elementary Schools

The competitive foods policy section for elementary schools states that it does "not pertain to food items made available by the Nutrition Services Department." The intent of the policy is to encourage the consumption of nutritious food by students and to limit access to high-fat, high-sugar items during the

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

school day. Therefore, the only food that may be made available to elementary school students on campus during the school day, at times other than meal periods, is a nutritious classroom snack allowed by the policy. This does not apply to student birthday parties or any other exemption as established by the policy. An elementary school campus may not sell or serve competitive foods (or provide access to them through direct or indirect sales) to students anywhere on school premises throughout the school day until the end of the last scheduled class. This does not pertain to food items made available by the District Nutrition Services Department.

In elementary schools, all foods and beverages sold/served individually (to or by) students after the school day will meet the nutrition standards meet the nutrition standards for meals or for foods and beverages sold individually.

Competitive Foods for Secondary Schools: Middle/Junior High and High Schools

The competitive foods policy section for secondary schools states that it does "not pertain to food items made available by the Nutrition Services Department." In middle/junior high and high schools, all foods and beverages sold/served individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines) during the school day, will meet the following nutrition and portion size standards: At no time during the school day until after the last lunch period has ended, may any sale compete with the National School Breakfast or Lunch program.

In middle/junior high and high schools, all foods and beverages sold/served individually (to or by) students after the school day will meet the nutrition standards meet the nutrition standards for meals or for foods and beverages sold individually.

Nutrition Services Food Safety Policy

The District recognizes the role of food in the activities of sites, departments and students organizations. In an effort to support schools, departments and student organizations and to ensure the safety of food provided on campus, organizations/groups shall adhere to the "District Facility Use Rules" and the "Nutrition Services Food Safety Policy." (Addendum)

Food Safety

The purpose of this Nutrition Services Food Safety Policies is to establish standards for food service on all campuses. In order to ensure the safety and consistency of the products provided and insure public safety, reduce District liability, the District requires:

- Food service on campus is to be in full compliance with State and County Health Department standards and other regulatory agencies. For the protection of the public, against food born illness or injury, established guidelines as provided by Environmental Health & Safety must be followed for each type of event
- Nutrition Services will be responsible for implementing food safety procedures HACCP as required by state and federal regulation

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

IV. Nutrition and Physical Activity Promotion and Food Marketing

Nutrition Education and Promotion

Natomas Unified School District aims to teach, encourage, and support healthy eating by students. Schools should provide nutrition education and engage in nutrition promotion that:

- is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
- includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
- promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
- links with school meal programs, other school foods, and nutrition-related community services;
- teaches media literacy with an emphasis on food marketing; and
- includes training for teachers and other staff.

Integrating Physical Activity into the Classroom Setting

For students to receive the nationally-recommended amount of daily physical activity (*i.e.*, at least 60 minutes per day) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond physical education class.

Toward that end:

- classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television;
- opportunities for physical activity will be incorporated into other subject lessons; and
- classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

Communications with Parents

The district/school will support parents' efforts to provide a healthy diet and daily physical activity for their children. The district/school will offer nutrition information, post nutrition tips on school websites, and provide nutrient analyses of school menus. Schools should encourage parents to pack healthy lunches and snacks and to refrain from including beverages and foods that do not meet the above nutrition standards for individual foods and beverages. The district/school will provide parents a list of foods that meet the district's snack standards and ideas for healthy celebrations/parties, rewards, and fundraising activities. The district/school will provide information about physical education and other school-based physical activity opportunities before, during, and after the school day; and support parents' efforts to provide their children with opportunities to be physically active outside of school. Such supports will

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

include sharing information about physical activity and physical education through a website, newsletter, community activity link, take-home materials, special events, or physical education homework.

Food Marketing in Schools

School-based marketing will be consistent with nutrition education and health promotion. As such, schools will limit food and beverage marketing to the promotion of foods and beverages that meet the nutrition standards for meals or for foods and beverages sold individually (per SB-12, SB-965 and/or current regulations).¹¹ School-based marketing of brands promoting predominantly low-nutrition foods and beverages¹² is prohibited. The promotion of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products is encouraged.

Examples of marketing techniques include the following: logos and brand names on/in vending machines, books or curricula, textbook covers, school supplies, scoreboards, school structures, and sports equipment; educational incentive programs that provide food as a reward; programs that provide schools with supplies when families buy low-nutrition food products; in-school television, such as Channel One; free samples or coupons; and food sales through fundraising activities.

Marketing activities that promote healthful behaviors (and are therefore allowable) include: vending machine covers promoting water; pricing structures that promote healthy options in a la carte lines or vending machines; sales of fruit for fundraisers; and coupons for discount gym memberships.

Staff Wellness

Natomas Unified School District highly values the health and well-being of every staff member and will plan and make available, non-mandatory activities and policies that support personal efforts by staff to maintain a healthy lifestyle. The District Wellness Committee should develop, promote, and oversee a multifaceted plan to promote staff health and wellness. The plan should be based on input solicited from school staff and should outline ways to encourage healthy eating, physical activity, and other elements of a healthy lifestyle among school staff. The staff wellness coordinator should distribute its plan to the District Wellness Committee annually.

V. Physical Activity Opportunities and Physical Education**Daily Physical Education (P.E.) K-12**

All students in grades K-12, including students with disabilities, special health-care needs, and in alternative educational settings, will receive daily physical education at minimum as specified by California Ed. Code. Student involvement in other activities involving physical activity (e.g., interscholastic or intramural sports) will not be substituted for meeting the physical education requirement. Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity, with the exception of approved specialized programs and/or special modifications as provided by the Education Code.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Daily Recess

All elementary school students will have at least 30 minutes a day of supervised recess, preferably outdoors, during which schools should encourage moderate to vigorous physical activity. Schools should discourage extended periods (*i.e.*, periods of two or more hours) of inactivity. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, schools should give students periodic breaks during which they are encouraged to stand and be moderately active.

Physical Activity Opportunities Before and After School

All elementary, middle, and high schools will offer extracurricular physical activity programs, such as physical activity clubs or intramural programs. All high schools, and middle schools as appropriate, should offer interscholastic sports programs, when eligible. Schools will offer a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs.

After-school child care and enrichment programs should provide and encourage – verbally and through the provision of space, equipment, and activities – daily periods of moderate to vigorous physical activity for all participants.

Promoting Physical Activity

The intent, is to promote and positive lifelong attitude towards physical activity. Teachers and other school and community personnel will not withhold opportunities for physical activity (*e.g.*, recess, physical education). The school district will not deny student participation in recess or other physical activities as a form of discipline or for classroom make-up time.

Safe Routes to School

When appropriate, the district will work together with local public works, public safety, and/or police departments in those efforts. The school district will explore the availability of federal "safe routes to school" funds, administered by the state department of transportation, to finance such improvements.

Use of School Facilities Outside of School Hours

School spaces and facilities should be available to students, staff, and community members before, during, and after the school day, on weekends, and during school vacations (per District "Facility Use Policies"). These spaces and facilities also should be available to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**VI. Monitoring and Policy Review****Monitoring**

The superintendent or designee will ensure compliance with established district-wide nutrition and physical activity wellness policies. In each school, the principal or designee will ensure compliance with those policies in his/her school and will report on the school's compliance to the school district superintendent or designee.

School food service staff, at the school or district level, will ensure compliance with nutrition policies within school food service areas and will report on this matter to the superintendent or designee annually. In addition, the school district will report on the most recent USDA School Meals Initiative (SMI) review findings and any resulting changes. The superintendent or designee will develop a summary report every three years on district-wide compliance with the district's established nutrition and physical activity wellness policies, based on input from schools within the district. That report will be provided to the school board and also distributed to all school health councils, parent/teacher organizations, school principals, and school health services personnel in the district.

Policy Review

To help with the initial development of the District's Wellness Policies, each school in the district will conduct a baseline assessment of the school's existing nutrition and physical activity environments and policies.¹³ The results of those school-by-school assessments will be compiled at the district level to identify and prioritize needs. Assessments will be repeated every three years to help review policy compliance, assess progress, and determine areas in need of improvement. As part of that review, the school district will review our nutrition and physical activity policies; provision of an environment that supports healthy eating and physical activity; and nutrition and physical education policies and program elements. The district, and individual schools within the district, will, as necessary, revise the wellness policies and develop work plans to facilitate their implementation.

Reference:**CA SB 12**

Section 49431 of the Education Code is amended to read:

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.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

(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.

(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 review its compliance with the nutrition standards described in this section and Section 49431.5.

Section 49431.2 is added to the Education Code, to read:

49431.2.(a) Commencing July 1, 2007, snacks sold to a pupil in middle, junior, or high school, except food served as part of a USDA meal program, shall meet all of the following standards:

(1) Not more than 35 percent of its total calories shall be from fat. This paragraph does not apply to the sale of 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 shall be from saturated fat. This subparagraph does not apply to eggs or cheese packaged for individual sale.

(3) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugars. This paragraph does not apply to the sale of fruits or vegetables that have not been deep fried.

(4) No more than 250 calories per individual food item.

(b) Commencing July 1, 2007, entree items sold to a pupil in middle, junior, or high school, except food served as part of a USDA meal program, shall contain no more than 400 calories per entree, shall contain no more than 4 grams of fat per 100 calories contained in each entree, and shall be categorized as entree items in the School Breakfast Program or National School Lunch Program.

(c) A middle, junior, or high school may permit the sale of food items that do not comply with subdivision (a) or (b) in any of the following circumstances:

(1) The sale of those items takes place off of and away from school premises.

(2) The sale of those items takes place on school premises at least one-half hour after the end of the school day.

(3) The sale of those items occurs during a school-sponsored pupil activity after the end of the school day.

(d) 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.

Section 49433.9 of the Education Code is amended to read:

49433.9. A school district participating in the pilot program shall adopt the provisions of Section 49433 and shall comply with all of the following requirements:

(a) (1) No beverage other than any of the following shall be sold to pupils from one-half hour before the start of the school day until one-half hour after the end of the school day:

(A) Fruit-based drinks that are composed of no less than 50

(B) Drinking water

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

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

(D) Electrolyte replacement beverages that do not contain more than 42 grams of added sweetener per 20 ounce serving.

(2) No carbonated beverage shall be sold to pupils from one-half hour before the start of the school day until one-half hour after the end of the school day.

(3) (A) Except as set forth in subparagraph (B), no beverage that exceeds 12 ounces per serving shall be sold to pupils from one-half hour before the start of the school day until one-half hour after the end of the school day.

(B) The 12-ounce maximum serving requirement does not apply to any of the following:

(i) Drinking water.

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

(iii) An electrolyte replacement beverage that does not exceed 20 ounces per serving.

(4) For the purposes of this subdivision, "added sweetener" means any additive that enhances the sweetness of the beverage, including, but not limited to, 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.

(b) No food item shall be sold to pupils from one-half hour before the start of the school day until one-half hour after the end of the school day unless it meets all of the standards set forth in subparagraphs (A) to (C), inclusive, of paragraph (2) of subdivision (a) of Section 49431.

(c) Entree items and side dish serving sizes shall be no larger than the portions of those foods served as part of the federal school meal program.

(d) Fruit and non-fried vegetables shall be offered for sale at any location where food is sold.

CA -SB 965, Pupil nutrition: Beverages.

Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils. Existing law restricts the sale of beverages to pupils at an elementary school to certain specified beverages, including water, milk, and 100% fruit juices, and at a middle or junior high school at specified times to certain specified beverages.

This bill would modify the list of beverages that may be sold to pupils at an elementary or a middle or junior high school, and would restrict the sale of beverages to pupils at a high school at specified times to certain specified beverages.

SECTION 1. Section 49431.5 of the Education Code is amended to read:

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:

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

- (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.
- (3) From one-half hour before the start of the school day to one-half hour after the end of the school day, only the following beverages may be sold to a pupil at a middle or junior high 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.
 - (E) An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20-ounce serving.
- (4) A middle or junior high school may permit the sale of beverages that do not comply with paragraph (3) as part of a school event if the sale of those items meets all of the following criteria:
 - (A) The sale occurs during a school-sponsored event and takes place at the location of that event at least one-half hour after the end of the school day.
 - (B) Vending machines, pupil stores, and cafeterias are used later than one-half hour after the end of the school day.
- (5) This subdivision does not prohibit an elementary, or middle or junior high school from making available through a vending machine any beverage allowed under paragraph (1) or (3) at any time of day, or, in middle and junior high schools, 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.
- (2) **Commencing July 1, 2006**, 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:
 - (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.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

(d) It is the intent of the Legislature that the governing board of a school district annually review 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.

CA -SB 677, Pupil nutrition: beverages. Current Law

The California Childhood Obesity Prevention Act of 2003-Senator Deborah Ortiz

On September 16th 2003, Governor Gray Davis signed SB 677 (Ortiz) into law, ensuring that only healthy beverages are sold on elementary, middle and junior high school campuses, beginning on July 1, 2004. Reducing soda consumption is one of the most promising strategies for preventing obesity.

Provisions of SB 677- Sets nutrition standards for all beverages sold to students in elementary, middle and junior high schools, effective July 1, 2004. The implementation of these standards is NOT tied to the appropriation of funds. The new law mandates the following:

- In Elementary Schools
 - Bans the sale of unhealthy beverages all day. Permits the sale of healthy beverages which include only water, milk, 100 percent fruit juices or fruit based drinks with no less than 50% fruit juice and no added sweeteners. Vending machines may be used to sell only healthy beverages.
 - Allows the sale of unhealthy beverages for fundraising under two circumstances:
 - Sale by pupils off school grounds.
 - Sale by pupils on school grounds at least 30 minutes after the end of the school-day.

In Middle and Junior High Schools

- Bans the sale of unhealthy beverages from one-half hour before school to one-half hour after the end of the school-day.
- Permits the sale of healthy beverages which include only water, milk, 100 percent fruit juices or fruit based drinks with no less than 50% fruit juice and no added sweeteners, and electrolyte replacement beverages with no more than 42 grams of added sweetener per 20-ounce serving from ½ hour before school to ½ hour after the end of the school-day.
- Vending Machine Policy:
 - Allows the sale of healthy beverages at any time of day.
 - Allows the sale of unhealthy beverages only during the hours that the ban does not apply.
- Allows the sale of unhealthy beverages for fundraising under two circumstances:
 - The sale occurs during and at the location of the event after the end of the school-day.
 - The sale occurs via vending machines, school stores and cafeterias and takes place at least ½ hour after the end of the school-day.

Nutrition Services Food Safety Policy

Food Safety: The District recognizes the role of food in the activities of sites, departments and students organizations. In an effort to support campus departments and student organizations and to ensure the safety of food provided on campus, organizations/groups shall adhere to "District Facility Use Rules" and "Nutrition Services Food Safety Policy."

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**Purpose:**

The purpose of this Nutrition Services' Food Safety Policies' is to establish standards for food service on all campuses. In order to ensure the safety and consistency of the products provided and insure public safety, reduce District liability, the District requires:

- Food service on campus is to be in full compliance with State and County Health Department standards and other regulatory agencies. For the protection of the public, against food born illness or injury, established guidelines as provided by Environmental Health & Safety must be followed for each type of event.
- Nutrition services will be responsible for implementing food safety procedures HACCP as required by state and federal regulation

1. Event Rules- per California Environmental Health & Safety Regulations-CURFFL

The following rules apply for any event by any individual, or group of, students, faculty, or staff, parent groups, or auxiliary employees ("Sponsor") that sell or serve food on-campus for Facility use, other events.

See "Section 1.1 Definitions and Examples" for detailed definitions of Public Event, Private Event, Food, Low Hazard Food, Potentially Hazardous Food, and Approved Licensed Food Processing Establishment.

1.1 Public or Private Events with ONLY Low Hazard Food given away or sold

- Established guidelines provided by Environmental Health & Safety must be followed.
- Food operation must be in compliance with law including the California Health & Safety Code.
- No Temporary Food Facility permit needed.
- Recommend (when available) the purchase of foods purchased from Nutrition Services.ⁱ
- Sponsor assumes liability and responsibility, including financial, for complying with policy and food service health and safety laws.
- No food prepared or stored at home or unlicensed food facility is permitted.

1.2 Public or Private Events with Potentially Hazardous Food given away or sold

- Established guidelines provided by Environmental Health & Safety must be followed.
- Food operation must be in compliance with law including the California Health & Safety Code.
- Temporary Food Facility permit must be obtained and prominently displayed. (See §4 Food Permit Process.)
- EH&S inspects food service operation during activity and activity may be shut down if not in compliance.
- Recommend (when available) the purchase of foods be purchased from District Nutrition Services and prepared at a district licensed food facility.ⁱⁱ May be provided by participants, or as purchased from an Approved Licensed Food Processing Establishment and paid for by collection of personal contributions or other group funds.ⁱ
- Catering is responsible for complying with policy and health and safety laws for food preparation.
- Sponsor assumes liability and responsibility, including financial, for complying with policy and food service health and safety laws.
- No food prepared or stored at home or unlicensed food facility is permitted

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**1.3 Private Events with Low Hazard Food or Potentially Hazardous Food**

- Must qualify as Private Event (See §11.2 for definition of Private Event).
- Established guidelines provided by Environmental Health & Safety must be followed.
- No Temporary Food Facility permit needed.
- No scheduled inspections by EH&S.
- The Sponsor and/or the participants assume liability in regards to the safety and wholesomeness of the food items provided and responsibility, including financial, for complying with policy and food service health and safety laws.
- Food should be purchased from District Nutrition Service -Campus Catering, but may be provided by participants, or as purchased from an Approved Licensed Food Processing Establishment and paid for by collection of personal contributions or other group funds.¹
- No food prepared or stored at home is permitted.

2. Private Meetings

Snack foods or light refreshments that are commercially pre-packaged, and commercially produced products purchased from a retail market or restaurant can be served (not sold) at private meetings.

3. District Employees

Complimentary food items may be provided by campus employees for sharing with their coworkers in their department or office with the understanding that each employee is responsible for the safety and wholesomeness of the food items he or she provides.

4. Exceptions

This policy does not preclude food prepared off-campus to be sold to individuals, and delivered to the District (e.g., pizza delivery services) for individual consumption, vending machines that are placed and operated under contract with the District, packaged food sold for individual consumption. All food sales or service must be in compliance with food health and safety laws.

Footnotes

To the extent possible, schools will offer at least two non-fried vegetable and/or two fruit options each day and will offer five different fruits and five different vegetables over the course of a week. Schools are encouraged to source fresh fruits and vegetables from local farmers when practicable.

³ As recommended by the *Dietary Guidelines for Americans 2005*.

⁴ A whole grain is one labeled as a "whole" grain product or with a whole grain listed as the primary grain ingredient in the ingredient statement. Examples include "whole" wheat flour, cracked wheat, brown rice, and oatmeal.

⁵ It is against the law to make others in the cafeteria aware of the eligibility status of children for free, reduced-price, or "paid" meals.

⁶ School nutrition staff development programs are available through the USDA, School Nutrition Association, and National Food Service Management Institute.

⁷ Surprisingly, seltzer water may not be sold during meal times in areas of the school where food is sold or eaten because it is considered a "Food of Minimal Nutritional Value" (Appendix B of 7 CFR Part 210).

⁸ If a food manufacturer fails to provide the *added* sugars content of a food item, use the percentage of weight from total sugars (in place of the percentage of weight from *added* sugars), and exempt fruits, vegetables, and dairy foods from this total sugars limit.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

⁹ Schools that have vending machines are encouraged to include refrigerated snack vending machines, which can accommodate fruits, vegetables, yogurts, and other perishable items.

¹⁰ Unless this practice is allowed by a student's individual education plan (IEP).

¹¹ Advertising of low-nutrition foods and beverages is permitted in supplementary classroom and library materials, such as newspapers, magazines, the Internet, and similar media, when such materials are used in a class lesson or activity, or as a research tool.

¹² Schools should not permit general brand marketing for food brands under which more than half of the foods or beverages do not meet the nutrition standards for foods sold individually or the meals are not consistent with school meal nutrition standards.

¹³ Useful self-assessment and planning tools include the *School Health Index* from the Centers for Disease Control and Prevention (CDC), *Changing the Scene* from the Team Nutrition Program of the U.S. Department of Agriculture (USDA), and *Opportunity to Learn Standards for Elementary, Middle, and High School Physical Education* from the National Association for Sport and Physical Education.

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Do not use
CSBA suggestion

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3550(a)

FOOD SERVICE/CHILD NUTRITION PROGRAM

Note: The following optional administrative regulation applies to food sales through the district's food service program, including the National School Lunch Program (42 USC 1751-1769j), School Breakfast Program (42 USC 1773), and Special Milk Program (42 USC 1772). The district should select all sections below that apply to programs offered by the district.

See BP/AR 3552 - Summer Meal Program, AR 5148 - Child Care and Development, and AR 5148.2 - Before/After School Programs for nutrition requirements pertaining to those programs. For food sales outside the district's food service program (e.g., by student and adult organizations, through vending machines, or at student stores), see BP/AR 3554 - Other Food Sales.

Nutrition Standards for School Meals

Note: Item #1 below is for use by all districts. Education Code 49550 requires all schools to provide at least one nutritionally adequate meal each school day to students who meet federal eligibility criteria for free and reduced-price meals; see BP/AR 3553 - Free and Reduced Price Meals. Education Code 49553 defines a "nutritionally adequate meal" as one that qualifies for reimbursement under federal child nutrition program regulations (7 CFR 210.10, 220.8). This requirement applies regardless of whether the school receives reimbursements through the National School Lunch Program (42 USC 1751-1769j) and/or School Breakfast Program (42 USC 1773) or the State Meal Program (Education Code 49490-49494), or receives no funding support for school meals. 42 USC 1758 and 1773 require schools participating in the National School Lunch and/or Breakfast Program to extend meal service to all students enrolled in the school.

Districts may elect to use the state's menu planning options of Shaping Health as Partners in Education (SHAPE) as a method of meeting the required nutrition standards. SHAPE California is a network of districts working together to improve the health and academic success of California students through comprehensive nutrition services and nutrition education. Participating districts must choose one of the approved SHAPE California and/or U.S. Department of Agriculture (USDA) menu planning options, as described in the California Department of Education's (CDE) School Meals Initiative Summary, available on the CDE's web site.

42 USC 1753, as amended by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), requires the U.S. Secretary of Agriculture to develop regulations updating the meal patterns and nutrition requirements for the National School Lunch Program. When such regulations become effective, districts that are certified by the CDE as complying with these updated standards will receive an additional reimbursement.

Meals or food items provided through the district's food services program shall: (Education Code 49430, 49430.5, 49430.7, 49550, 49553; 42 USC 1758, 1773; 7 CFR 210.10, 220.8)

1. Comply with the National School Lunch and/or Breakfast standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10 or 220.8, or the state's menu planning options of Shaping Health as Partners in Education

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Note: Items #2-3 below reflect additional requirements for (1) districts participating in the National School Lunch and/or Breakfast Program which choose to apply for state reimbursements for free and reduced-price meals in addition to their base reimbursement, and (2) districts participating in the State Meal Program. Such districts must annually certify compliance with Education Code 49430, 49430.5, and 49430.7. Other districts may delete or use these items at their discretion.

2. Not be deep fried, par fried, or flash fried by the district or school or as part of the manufacturing process
3. Not contain artificial trans fat as defined in Education Code 49430.7

(cf. 3552 - Summer Meal Program)
 (cf. 3553 - Free and Reduced Price Meals)
 (cf. 5030 - Student Wellness)
 (cf. 5141.27 - Food Allergies/Special Dietary Needs)
 (cf. 5148 - Child Care and Development)
 (cf. 5148.3 - Preschool/Early Childhood Education)

Nutrition Standards for Foods and Beverages Sold Outside the Reimbursable Meal Programs

Note: The following section is for use by districts that have one or more schools which do not participate in the National School Lunch or Breakfast Program, as well as those that have schools which do participate in these programs but also sell foods or beverages to students outside of the meal program. Education Code 49430 and 49431-49431.7 establish nutrition requirements for foods and beverages sold outside the federal meal programs. 5 CCR 15575-15578 define the terms used in those code sections.

CDE Management Bulletin 06-110 clarifies that the beverage standards in Education Code 49431.5 are applicable to high schools. Pursuant to Education Code 49431.5, all beverages sold in high schools were required to meet these standards effective July 1, 2009.

Any foods or beverages that are not sold as part of the National School Lunch or Breakfast Program shall be sold to students only if they meet the nutrition standards specified in Education Code 49430-49431.7 and 5 CCR 15575-15578.

(cf. 3554 - Other Food Sales)

Drinking Water

Note: The following section is for use by all districts. Pursuant to 42 USC 1758, as amended by P.L. 111-296, schools participating in the National School Lunch Program are required to make free drinking water available for consumption in places where meals are served during meal service. Effective July 1, 2011, Education Code 38086, as added by SB 1413 (Ch. 558, Statutes of 2010), requires all California schools to make free drinking water available during school meal times. The school may, among other means, provide cups and containers of water or solicit or receive donated water. Pursuant to Education Code 38086, a district may be exempted from this requirement only if the Governing Board adopts a resolution, publicly

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

noticed on at least two consecutive meeting agendas, demonstrating that the district is unable to comply due to fiscal constraints or health or safety concerns. Any district whose Board has adopted such a resolution should delete the following paragraph.

The district shall provide access to free, fresh drinking water during meal times in food service areas at all district schools, including, but not limited to, areas where reimbursable meals under the National School Lunch or Breakfast Program are served or consumed. (Education Code 38086; 42 USC 1758)

Special Milk Program

Note: The following section is **optional**. The Special Milk Program (42 USC 1772; 7 CFR 215.1-215.18) is a federally funded program which assists in providing milk at reasonable prices to students in schools that do not participate in the National School Lunch or Breakfast Program. Pursuant to 7 CFR 215.1 and 215.7, districts may choose to provide milk at no charge to students who qualify for free and reduced-price meals; see BP 3553 - Free and Reduced Price Meals.

Any school that does not participate in the National School Lunch or Breakfast Program may participate in the Special Milk Program to provide all enrolled students with reasonably priced milk. (7 CFR 215.1)

Food Safety

Note: Pursuant to Health and Safety Code 113789, school cafeterias are among the food facilities subject to the California Retail Food Code.

The Superintendent or designee shall ensure that the district's food service program meets the applicable sanitation and safety requirements of the California Retail Food Code as set forth in Health and Safety Code 113700-114437.

Note: The remainder of this section is for use by any district participating in the National School Lunch and/or Breakfast Program and may be used or revised by other districts at their discretion. 42 USC 1758 and 7 CFR 210.13 and 220.7 require all schools participating in these programs to implement a food safety program that complies with Hazard Analysis and Critical Control Point (HACCP) principles, which include establishing measures needed to prevent hazards at each stage of food production. Pursuant to 7 CFR 210.13, districts may implement either the "traditional" HACCP system or the simplified "process approach." Under the process approach, foods are grouped together according to preparation process and the same control measure is applied to all menu items within the group, rather than developing an HACCP plan for each item. These principles are described in the USDA's Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles.

P.L. 111-296 amended 42 USC 1758 to clarify that the food safety program is applicable to any facility or part of a facility in which food is stored, prepared, or served.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

For all district schools participating in the National School Lunch and/or School Breakfast Program, the Superintendent or designee shall implement a written food safety program for the storage, preparation, and service of school meals which complies with the national Hazard Analysis and Critical Control Point (HACCP) system. The district's HACCP plan shall include, but not be limited to, a determination of critical control points and critical limits at each stage of food production, monitoring procedures, corrective actions, and recordkeeping procedures. (42 USC 1758; 7 CFR 210.13, 220.7)

Note: The following paragraph is **optional**. The USDA's Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles recommends that proper staff training is a necessary component of an effective food safety program.

The Superintendent or designee shall provide ongoing staff development on food safety to food service managers and employees. Any new employee, substitute, or volunteer shall complete initial food safety training prior to handling food. The Superintendent or designee shall document the date, trainer, and subject of each training.

(cf. 4231 - Staff Development)

Note: The following paragraph is **optional**. The USDA's Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles states that districts should maintain the following types of records in order to periodically review the food safety program and, in the event of a foodborne illness, to document that reasonable care was exercised in the operation of the school's food service program.

The Superintendent or designee shall assign staff to maintain records and logs documenting food safety activities, including, but not limited to, records of food deliveries, time and temperature monitoring during food production, equipment temperature (freezer, cooler, thermometer calibration), corrective actions, verification or review of safety efforts, and staff training.

Inspection of Food Facilities

Note: Health and Safety Code 113725-113725.3 require all food facilities in California to be inspected by the county environmental health agency in accordance with the timelines and procedures established in county regulations. The inspections cover all food service areas, which, depending on the school's operations, may include the cafeteria, vending machines, and mobile food carts. Health and Safety Code 113725 specifies findings that would be considered violations, including (1) improper holding temperatures, improper cooling, or inadequate cooking of potentially hazardous foods (i.e., foods that require temperature control); (2) poor personal hygiene of food service employees; (3) contaminated equipment; and (4) food from unapproved sources.

All food preparation and service areas shall be inspected in accordance with Health and Safety Code 113725-113725.1 and applicable county regulations.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Note: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. Notwithstanding the requirements of county regulations, districts participating in these programs must obtain at least two safety inspections each school year.

Each school participating in the National School Lunch and/or Breakfast Program shall, during each school year, obtain a minimum of two food safety inspections conducted by the county environmental health agency. (42 USC 1758; 7 CFR 210.13, 220.7)

The Superintendent or designee shall retain records from the most recent food safety inspection. All schools shall post a notice indicating that the most recent inspection report is available to any interested person upon request. (Health and Safety Code 113725.1; 42 USC 1758; 7 CFR 210.13, 210.15, 220.7)

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

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CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3551(a)

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Note: The following **optional** policy may be revised to reflect district practice. Education Code 38080-38103 contain requirements for the establishment and operation of school cafeterias.

The Governing Board intends that, insofar as possible, school food services shall be a self-supporting, nonprofit program. To increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

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

(cf. 3552 - Summer Meal Program)

Note: The California Department of Education (CDE), in collaboration with educators and professional organizations, provides training to child nutrition program directors and educators; see the CDE's web site for staff development opportunities.

As amended by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), 42 USC 1776 requires the U.S. Secretary of Agriculture to establish a program of required training and certification for school food service directors and other food service personnel in districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). By a date to be determined by the Secretary, such personnel will be required to receive training at least annually.

The Superintendent or designee shall ensure that all food services administrators and personnel possess appropriate qualifications and receive ongoing professional development related to the effective management and implementation of the district's food services program.

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Meal Sales

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

Note: The following paragraph is **optional** and may be revised to reflect district practice. Pursuant to Education Code 38082, the Governing Board may, by formal resolution, authorize the serving of meals to persons other than those listed above. In Management Bulletin No. 00-111, the CDE states that the Board's policy or resolution must specify the circumstances under which those other persons will be served.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

In addition, meals may be sold to other individuals and organizations that are on campus during meal times for a legitimate purpose, such as classroom volunteers, parents/guardians, or students' siblings.

Note: Pursuant to Education Code 38084, the district may determine meal prices consistent with the goal of paying the costs of maintaining the cafeterias (exclusive of the costs of housing and equipping cafeterias, or other costs determined by Board resolution, pursuant to Education Code 38100).

Students who meet federal eligibility criteria for the reduced-price meal program cannot be charged more than the amounts listed in 42 USC 1758 and 1773; see AR 3553 - Free and Reduced Price Meals. In setting prices for students who are not eligible for the free and reduced-price meal program, 42 USC 1760, as amended by P.L. 111-296, requires schools to charge those students a price that is, on average, equal to the difference between free meal reimbursement and paid meal reimbursement. Schools that charge less than the average are required to gradually increase their prices over time until they meet the requirement or may cover the difference with nonfederal funds. 42 USC 1760 establishes a maximum annual increase of 10 cents, but allows districts to establish a higher increase at their discretion.

The Superintendent or designee shall recommend meal prices, based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760, for students and nonstudents for approval by the Board. Students who are enrolled in the free or reduced-price meal programs shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

(cf. 3553 - Free and Reduced Price Meals)

Note: The following paragraph reflects CDE Management Bulletin No. 00-111 which states that using funds from the National School Lunch and Breakfast Programs to serve any adult or any child not enrolled in the school would be contrary to program goals.

Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture foods.

Cafeteria Fund

Note: Pursuant to Education Code 38090, money received for the sale of food or for any services performed by the cafeterias may be paid into the county treasury to the credit of a "cafeteria fund" for the district.

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

Note: Education Code 38103 allows the Board, at its discretion and with the approval of the County Superintendent of Schools who is responsible for a countywide payroll/retirement system under Education Code 42646, to have wages, salaries, and benefits of food service employees paid either from the district's general fund (Option 1 below) or from the district's cafeteria fund (Option 2).

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

~~**OPTION 1:** The wages, salaries, and benefits of food service employees shall be paid from the district's general fund. At any time, the Board may order reimbursement from the district's cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)~~

OPTION 2: The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

Note: The following **optional** paragraph may be revised to reflect district practice. The Note in 42 USC 1751, as amended by P.L. 111-296, requires the U.S. Secretary of Agriculture to issue guidance to districts participating in the National School Lunch and/or Breakfast Program regarding allowable indirect costs that may be charged to the nonprofit school food service account.

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law. Program financial reports shall be presented regularly to the Board.

(cf. 3400 - Management of District Assets/Accounts)

(cf. 3460 - Financial Reports and Accountability)

Contracts with Outside Services

Note: The following section is **optional**. Pursuant to Education Code 45103.5, the district is authorized to contract for consulting services related to food service management. 42 USC 1758, 7 CFR 210.16, and Education Code 45103.5 authorize a district, under specified conditions and with approval of the CDE, to contract with a food service management company to manage its food service operation in one or more of its schools. See the accompanying administrative regulation for related requirements.

With Board approval, the district may enter into a contract for food service consulting services or food service management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

Legal Reference: (see next page)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Legal Reference:

EDUCATION CODE

38080-38086 Cafeteria, establishment and use
38090-38095 Cafeterias, funds and accounts
38100-38103 Cafeterias, allocation of charges
42646 Alternate payroll procedure
45103.5 Contracts for management consulting services; restrictions
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49554 Contract for services

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs
1771-1791 Child nutrition, including:
1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

255 Cost Principles for State, Local, and Indian Tribal Governments

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program
250.1-250.70 USDA foods

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

USDA-FDP-02-2010 Storage and Inventory Management of United States Department of Agriculture (USDA) Donated Foods, August 2010

USDA-SNP-01-2008 Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs; and the Handling of Unpaid Meal Charges, February 2008

00-111 Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, July 2000

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

U.S. DEPARTMENT OF EDUCATION GUIDANCE

FAQs About School Meals

WEB SITES

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

California School Nutrition Association: <http://www.calsna.org>

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

(3/01 11/07) 3/11

Business and Noninstructional Operations

FOOD SERVICE OPERATIONS/CAFETERIA FUND

The Board of Trustees intends that, insofar as possible, school food services shall be a self-supporting, nonprofit program. To increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of food and supplies, the planning of menus, and the auditing of all food service accounts for the district.

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

In addition, meals may be sold to other individuals and organizations who are on campus during meal times for a legitimate purpose, such as classroom volunteers, parents/guardians, or student siblings.

The Superintendent or designee shall recommend meal prices for students and nonstudents for approval by the Board. Students who are enrolled in the free or reduced-price meal programs shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture commodities.

Program financial reports shall be presented regularly to the Board.

Cafeteria Fund

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

The wages, salaries and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

Contracts with Outside Services/Providers

With Board approval, the district may enter into a contract for management consulting services related to food service.

With Board approval, the district may enter into a contract with a private company that enables a school to operate a franchise offering fast food items for sale to students. The franchise agreement and food purchases shall be subject to the competitive bidding requirements of the National School Lunch and School Breakfast Programs.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

(cf. 3100 - Budget)
(cf. 3300 - Expenditures and Purchases)
(cf. 3311 - Bids)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 3460 - Financial Reports and Accountability)
(cf. 3600 - Consultants)

Legal Reference:

EDUCATION CODE

38080-38085 Cafeteria, establishment and use
38090-38095 Cafeterias, funds and accounts
38100-38103 Cafeterias, allocation of charges
42646 Alternate payroll procedure
45103.5 Contracts for management consulting services; restrictions
49490-49493 School breakfast and lunch programs
49500-49505 School meals

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

UNITED STATES CODE, TITLE 42

1751-1769h School lunch programs
1771-1791 Child nutrition, including:
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:

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0701.00 Adult and Sibling Meals in the National School Lunch and School Breakfast Programs,
No. 00-111

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

WEB SITES

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

California School Nutrition Association: <http://www.calsna.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 3551(a)

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Payments for Meals

Note: State and federal law (Education Code 49550; 42 USC 1758, 1773) require that all students eligible for free and reduced-price meals receive a reimbursable meal during each school day which must be the same meal choice offered to noneligible students; see BP/AR 3553 - Free and Reduced Price Meals. California Department of Education (CDE) Management Bulletin USDA-SNP-01-2008 clarifies that districts therefore cannot serve an alternate meal (i.e., a meal that is different than the day's advertised meal) to a student eligible for reduced-price meals who does not have the ability to pay or who fails to provide a meal ticket or other medium of exchange on a given day. However, payment and pricing policies for full-price meals are at the discretion of the district and may include decisions on whether or not to extend credit or provide an alternate meal to students in the event of nonpayment.

The following **optional** section includes recommendations of the CDE's Management Bulletin and the U.S. Department of Agriculture's (USDA) "FAQs About School Meals" on the USDA's web site and may be revised to reflect district practice.

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain an account indicating payments received from each student for the purchase of school meals.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3552 - Summer Meal Program)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)

At the beginning of the school year, parents/guardians shall be notified of the district's meal payment policies and encouraged to prepay for meals whenever possible.

(cf. 1113 - District and School Web Sites)

Students and their parents/guardians shall be notified whenever their account has a zero balance. Whenever a student's account has an unpaid balance of \$50 or more, parents/guardians shall be notified in writing that full payment is due within seven school days from the date of the notice.

In cases of repeated nonpayment by a student, the Superintendent or designee may contact parents/guardians to discuss the reasons for the nonpayment. The Superintendent or designee may evaluate individual circumstances to determine if the student's parents/guardians need assistance completing an application for free or reduced-price meals or need referral to social services.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Note: The remainder of this section is for use by any district that participates in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) and has one or more schools which use a system of meal tickets, tokens, cards, or other medium of exchange rather than an electronic point-of-sale system. According to the USDA's "FAQs About School Meals," districts that use a ticket or token system may limit the number of lost or stolen tickets they will replace, provided that at least three replacement tickets will be provided to students each school year. However, a district that elects to establish a limit on replacement tickets must meet the requirements specified in the following paragraphs. Although these requirements apply only to students who qualify for free or reduced-price meals, the USDA recommends that districts apply the same limits for students who pay full price for their meals in order to ensure that needy students are not overtly identified because of the replacement of tickets.

The district may modify the following paragraph to specify the number (three or greater) of replacement tickets that will be allowed by the district. Also, if the district does not maintain elementary grades, it should revise the last sentence of the following paragraph accordingly. A district not participating in a federal meal program may use or modify these paragraphs at its discretion.

In any school that uses a system of meal tickets or other similar medium of exchange rather than an electronic point-of-sale system, a student shall be allowed at least three replacement tickets each school year in the event that tickets are lost or stolen. School staff shall maintain a list of students who have reported lost or stolen tickets and the number of occurrences for each student. When it has been determined that a student has reached the limit, school staff shall issue at least one advance warning to the student or his/her parent/guardian prior to denying a replacement ticket. However, prekindergarten and younger primary students or students with disabilities who may be unable to take full responsibility for their meal tickets shall not be denied meals when tickets are lost or stolen.

Students and parents/guardians shall be advised in writing of the school's policy regarding replacement tickets at the beginning of the school year and/or when applications for free and reduced-price meals are distributed or approved.

Reimbursement Claims

Note: To streamline administration of state and federal meal programs, the CDE has developed an online Child Nutrition Information and Payment System which must be used to submit reimbursement claims as well as to submit and track the status of applications and USDA food requests.

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

Cafeteria Fund

Note: Education Code 38091 authorizes the Governing Board to establish one or more cafeteria revolving accounts to be treated as revolving cash accounts of the cafeteria fund.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091, 38092)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR 255, and the California School Accounting Manual. (Education Code 38091, 38101; 2 CFR 255)

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

(cf. 3110 - Transfer of Funds)

U.S. Department of Agriculture Foods

Note: The following **optional** section is for use by districts that participate in the National School Lunch Program and receive foods from the USDA pursuant to 42 USC 1755 and 7 CFR 250.1-250.70. The CDE is responsible for ordering and distributing USDA foods for use in California schools. Pursuant to 42 USC 1758, as amended by P.L. 111-296, the USDA is required to identify, develop, and disseminate model product specifications and practices to ensure that foods offered through this program reflect the most recent Dietary Guidelines for Americans.

The Superintendent or designee shall ensure that foods received through the U.S. Department of Agriculture (USDA) are handled, stored, and distributed in facilities which: (7 CFR 250.14)

1. Are sanitary and free from rodent, bird, insect, and other animal infestation
2. Safeguard foods against theft, spoilage, and other loss
3. Maintain foods at proper storage temperatures
4. Store foods off the floor in a manner to allow for adequate ventilation
5. Take other protective measures as may be necessary

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

USDA foods shall be used in school lunches as far as practicable, but also may be used in other nonprofit food service activities, with any revenues accruing to the district's nonprofit food service account. Such activities may include school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students. (7 CFR 250.60)

Contracts with Outside Services

Note: The following **optional** section is for use by districts that contract for food service management services pursuant to Education Code 49554, 42 USC 1758, or 7 CFR 210.16 or consulting services pursuant to Education Code 45103.5, and should be modified to reflect the type(s) of contracts in the district; see the accompanying Board policy.

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services, including prices to be charged to students for meals, and shall monitor the food service operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services only, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

(cf. 3312 - Contracts)

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 3600 - Consultants)

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

(cf. 4212 - Appointments and Conditions of Employment)

(6/96 11/07) 3/11

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3553(a)

FREE AND REDUCED PRICE MEALS

Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to needy students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. Pursuant to 42 USC 1758 and 1773, districts that participate in the National School Lunch and/or Breakfast Program may receive reimbursement for free and reduced-price meals at a higher rate than that provided for meals for noneligible students. In addition, state funding may be available through the State Meal Program (Education Code 49490-49494). The district may apply to the California Department of Education (CDE) for available state and federal funds.

The requirement to provide at least one nutritionally adequate meal to needy students applies during summer school sessions unless the district receives a waiver from the State Board of Education under the conditions described in Education Code 49548. Funding to support the provision of summer school meals is available through the Summer Food Service Program (Education Code 49547.5; 42 USC 1761); see BP/AR 3552 - Summer Meal Program.

The Governing Board recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

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

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer School)

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

Note: In order to be reimbursed for free and reduced-price meals, a school must meet federal and/or state nutritional guidelines in 7 CFR 210.10 and 220.8 as described in AR 3550 - Food Service/Child Nutrition Program.

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meals program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

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

Note: The federally funded Special Milk Program (42 USC 1772; 7 CFR 215.1, 215.7) assists in providing milk to students at reasonable prices in schools that do not participate in the National School Lunch or

FREE AND REDUCED PRICE MEALS (continued)

Breakfast Program. Participating districts may, at their discretion, choose to provide milk at no charge to students who qualify for free and reduced-price meals. The following **optional** paragraph is for use by districts that choose to provide free milk to eligible students.

Schools participating in the Special Milk Program pursuant to 42 USC 1772 shall provide milk at no charge to students who meet federal eligibility criteria for free or reduced-price meals.

Note: Education Code 49557 requires the district to develop a plan ensuring that students receiving free and reduced-price meals are not discriminated against in the implementation of the food services program. See the accompanying administrative regulation for plan requirements.

The Board shall approve, and shall submit to the California Department of Education for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5145.3 - Nondiscrimination/Harassment)

Confidentiality/Release of Records

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

Note: The following paragraph is **optional**. According to CDE Management Bulletin NSD-SNP-12-2010, Education Code 49558 does not prohibit the sharing of free and reduced-price meal application information to other districts/schools for the purpose of determining students' eligibility. The district may provide either the student's application or only the student's name and eligibility status. The CDE urges districts to develop agreements with other districts regarding how the data will be shared, transported, protected, and destroyed once its purpose for determining meal eligibility has been completed.

If a student transfers from the district to another district or to a private school, the Superintendent or designee may release the student's eligibility status or a copy of his/her free and reduced-price meal application to the other district or school to assist in the continuation of the student's meal benefits.

Note: Education Code 49558 authorizes the Governing Board to allow district employees to use the name and eligibility status of students participating in the free and reduced-price meals 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 in connection with either a federal Title I program (20 USC 6301-6514) or the National Assessment of Educational Progress. Education Code 49558 allows districts with schools in program improvement, pursuant to 20 USC 6316, 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

FREE AND REDUCED PRICE MEALS (continued)

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 requirements applicable to districts that authorize such access.

The Board authorizes designated employees to use individual records pertaining to student eligibility for the free and reduced-price meals program for the purposes of: (Education Code 49558)

1. Disaggregation of academic achievement data
2. In any school identified as a Title I program improvement school pursuant to 20 USC 6316, identification of students eligible for school choice and supplemental educational services

(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)

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

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 in accordance with Education Code 49557.2.

(cf. 5141.6 - School Health Services)

Legal Reference:

EDUCATION CODE

48980 Notice at beginning of term

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

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

49550-49562 Meals for needy students

Legal Reference continued: (see next page)

FREE AND REDUCED PRICE MEALS (continued)*Legal Reference: (continued)*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

1751-1769j School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

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

*Management Resources:*CSBA PUBLICATIONSMonitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINSUSDA-SNP-07-2010 Change in Free and Reduced-Price Meal Application Approval Process, September 2010NSD-SNP-12-2010 Clarification Regarding the Ability to Share Student Meal Program Eligibility Information Between School Food Authorities, April 201004-103 Implementation of Final Rule on Verification of Applications for Free and Reduced-Price Meals, August 200498-101 Confidentiality of Free and Reduced-Price Eligibility Information, February 1998CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSFeed More Kids, Improve Program ParticipationDirect Certification Implementation Checklist, May 2008U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONSEligibility Manual for School Meals: Federal Policy for Determining and Verifying Eligibility, January 2008Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002WEB SITESCSBA: <http://www.csba.org>California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

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

(11/04 11/07) 3/11

Business and Noninstructional Operations

FREE AND REDUCED PRICE MEALS

The Board of Trustees recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

The Superintendent or designee shall ensure that meals provided through the free and reduced-priced meal program meet applicable state and/or federal nutritional standards in accordance with law, Board policy and administrative regulation

The Board shall approve, and shall submit to the California Department of Education for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

Confidentiality/Release of Records

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

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. In any school identified for program improvement under Title I of the No Child Left Behind Act, identification of students eligible for school choice and supplemental educational services

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. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 5148 - Child Care and Development)

FREE AND REDUCED PRICE MEALS (continued)

(cf. 5148.2 - Before/After School Programs)
(cf. 6177 - Summer School)
(cf. 6300 - Preschool/Early Childhood Education)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(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. 5141.6 - School Health Services)

Legal Reference:

EDUCATION CODE

48980 Notice at beginning of term
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
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
49550-49561 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

1751-1769h School lunch program
1771-1791 Child nutrition, especially:
1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.10-220.21 National School Breakfast Program
245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

Management Resources:

CSBA PUBLICATIONS

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, October 2007
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

FREE AND REDUCED PRICE MEALS (continued)

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

06-103 Conditions for Summer School Meal Waivers and Saturday School Meal Criteria, January 2006

04-103 Implementation of Final Rule on Verification of Applications for Free and Reduced-Price Meals, August 2004

98-101 Confidentiality of Free and Reduced-Price Eligibility Information, February 1998

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Feed More Kids, Improve Program Participation

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

Eligibility Guidance for School Meals Manual, August 2001

WEB SITES

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

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

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

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6/17/09

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3553(a)

FREE AND REDUCED PRICE MEALS

Note: Education Code 49550 requires all districts to provide at least one nutritionally adequate meal during each school day to needy students, defined in Education Code 49552 as those who meet federal eligibility criteria for free and reduced-price meals. The following administrative regulation is for use by all districts, regardless of whether they receive reimbursement for free and reduced-price meals through the National School Lunch and/or Breakfast Program (42 USC 1758, 1773) and/or the State Meal Program (Education Code 49490-49494).

Applications

Note: The California Department of Education's (CDE) Management Bulletin USDA-SNP-07-2010 clarifies that it is the responsibility of the district to ensure that applications for free and reduced-price meals and free milk meet the requirements of law. Model application forms are available from the CDE in several formats and in both English and Spanish. Pursuant to 42 USC 1758, as amended by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), applicants may only be required to submit the last four digits of their social security numbers rather than the full number. Thus, the district should change its application accordingly.

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. In addition, the application packet may include the notifications and information listed in Education Code 49557.2.

The application form and related information shall be distributed to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3552 - Summer Meal Program)
(cf. 5145.6 - Parental Notifications)

Note: According to the U.S. Department of Agriculture's Eligibility Manual for School Meals: Federal Policy for Determining and Verifying Eligibility, households enrolling a new student after the start of the school year must also be provided an application and related materials.

The form and information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

FREE AND REDUCED PRICE MEALS (continued)

(cf. 1112 - Media Relations)

Eligibility

Note: Districts are responsible for determining students' eligibility for free and reduced-price meals in accordance with criteria established by the CDE consistent with 42 USC 1758 and 1773 and 7 CFR 245.3. Family income levels that qualify for free or reduced-price meals, by household size, are annually posted on the CDE's web site.

Pursuant to 42 USC 1769c, as amended by P.L. 111-296, a district that has demonstrated a high level of, or a high risk for, administrative error may be required to implement a second-level, independent review of the eligibility determination for each application. Such districts also will be subject to additional CDE reporting requirements.

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meals program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

Note: Education Code 49561-49562 require the CDE to maintain a computerized data-matching system to directly certify, for enrollment in the free and reduced-price meals program, recipients of the Food Stamp Program, California Work Opportunity and Responsibility to Kids (CalWORKS) Program, Medi-Cal program, and other programs authorized for direct certification under federal law. Under this system, the CDE provides districts with a list of students who are eligible for the free and reduced-price meals program based on their enrollment in another program. Pursuant to 42 USC 1758, as amended by P.L. 111-196, districts also may, at their own discretion and by obtaining documentation from the appropriate state or local agency, directly certify as eligible a student who is homeless, migratory, or a foster child. Pursuant to Education Code 49561 and 42 USC 1758, as amended, no additional application or further action is required by the household of students who are directly certified. Further information about direct certification and other eligibility issues is available in the USDA's Eligibility Guidance for School Meals Manual.

Pursuant to 42 USC 1759a, as amended by P.L. 111-296, and 7 CFR 245.9, certain districts located in high poverty areas may be eligible to participate in alternative processes for annual determinations of student eligibility for free and reduced-price meals (Provisions 1, 2, 3, and 4). Districts participating in these alternative processes should revise the following section to reflect district practice.

When authorized by law, participants in other federal or state programs may be directly certified, without further application, for enrollment in the free and reduced-price meals program. (Education Code 49561; 42 USC 1758)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6175 - Migrant Education Program)

FREE AND REDUCED PRICE MEALS (continued)

Verification of Eligibility

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

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 meals program for the purpose of disaggregation of academic achievement data and for the identification of students eligible for public school choice and supplemental educational services in schools identified for program improvement pursuant to 20 USC 6316. See the accompanying Board policy and BP/AR 0520.2 - Title I Program Improvement Schools.

FREE AND REDUCED PRICE MEALS (continued)

In Management Bulletin 98-101, the CDE advises that the Governing Board must designate by name or job title the employee(s) authorized to use records for these purposes. Districts should identify the specific title(s) of the designated employee(s) in the space provided below, such as Title I Coordinator.

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meals 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:

Assistant Superintendent of Educational Services
(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 and reduced-price meals 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 and reduced-price meals 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.
4. Information collected regarding individual students certified to participate in the free and reduced-price meals program shall be destroyed when no longer needed for its intended purpose.

Nondiscrimination Plan

The district's plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557; 42 USC 1758)

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.

FREE AND REDUCED PRICE MEALS (continued)

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3555 - Nutrition Program Compliance)

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)

Prices

Note: The following section is for use by districts that provide reduced-price meals to students through the National School Lunch and/or Breakfast Program pursuant to 42 USC 1757 and 1773.

The maximum price that shall be charged to eligible students for reduced-price meals shall be 40 cents for lunch and 30 cents for breakfast. (42 USC 1758, 1773)

(11/04 11/07) 3/11

Business and Noninstructional Operations

FREE AND REDUCED PRICE MEALS

Nondiscrimination Plan

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 serving line or entrance, or consume their meals or milk at a different time.
5. 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)

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)

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 may be submitted at any time during a school day.
2. Students participating in the National School Lunch and/or 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.

Eligibility

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meal program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

FREE AND REDUCED PRICE MEALS (continued)

When authorized by law, participants in other federal or state programs may be directly certified for enrollment in the free and reduced-price meal program. (Education Code 49561)

Confidentiality/Release of Records

The Superintendent designates the following district employee(s) 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:

Howard Kornblum, Categorical Programs Director

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.
2. Information regarding individual student participation in the free or reduced-price meal program shall not be publicly released.
3. All other confidentiality provisions required by law shall be met.
4. Information collected regarding individual students certified to participate in the free and reduced-price meal program shall be destroyed when no longer needed for its intended purpose.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.6 - Parental Notifications)

(cf. 5141.6 - Student Health and Social Services)

(cf. 5125 - Student Records)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

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use CSBA
suggestion

CSBA Sample Board Policy

All Personnel

BP 4158(a)

4258

EMPLOYEE SECURITY

4358

Note: Pursuant to Government Code 3543.2, safety conditions in employment are a mandatory subject of collective bargaining. The following Board policy and accompanying administrative regulation are **optional** and may be revised to reflect district practice.

The Governing Board desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing them with necessary assistance and support when emergency situations occur.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 5131.4 - Student Disturbances)

Note: Code of Civil Procedure 527.8 allows an employer to seek a temporary restraining order and injunction on behalf of an employee against any other individual who has subjected the employee to unlawful violence or a credible threat of violence in the workplace. Penal Code 601 makes it illegal for someone who has made such a threat to enter the threatened person's workplace within 30 days of the threat, seeking to locate that person without lawful purpose and in order to carry out the threat. In City of San Jose v. William Garbett, a California Court of Appeal held that a court's issuance of a temporary restraining order and injunction against a person who had verbally threatened a city official was not a violation of that person's right to free speech and right of access to a public place.

In addition, Education Code 48905 provides that an employee who is injured or whose property is damaged by willful misconduct of a district student may request that the district pursue legal action against the student or his/her parent/guardian.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. The Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. In addition, the Superintendent or designee may initiate legal proceedings against any individual to recover damages for injury caused by the willful misconduct of that individual to the person or property of an employee or another person on district premises.

(cf. 3320 - Claims and Actions Against the District)

(cf. 3515.4 - Recovery for Property Loss or Damage)

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques, and crisis resolution.

EMPLOYEE SECURITY (continued)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee also shall ensure that employees are informed, in accordance with law, of crimes and offenses committed by students who may pose a danger in the classroom.

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

(cf. 5141 - Health Care and Emergencies)

Use of Pepper Spray

Note: The following section is **optional** and may be revised to reflect district practice. Penal Code 12403.7 authorizes adults, with certain exceptions, to carry for purposes of self-defense an approved tear gas weapon in which the active ingredient is oleoresin capsicum, a peppery-type substance which causes physical discomfort when discharged on a sensitive part of the body. Penal Code 626.9 and 626.10, which prohibit the possession of weapons on school grounds, do not prohibit the possession of pepper spray on school grounds. Thus, the Governing Board may determine whether to allow (Option 1) or disallow with certain exceptions (Option 2) the possession of pepper spray on school property or at school activities. **Districts that prohibit employees from possessing pepper spray on school property or at school activities without exception should delete this section.**

OPTION 1: Employees may possess pepper spray that meets the requirements of Penal Code 12403.7 on school property and at school activities for their own safety. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

~~**OPTION 2:** Employees may not carry or possess pepper spray on school property or at school activities. On a case-by-case basis, however, the Superintendent or designee may allow an employee to possess pepper spray that meets the requirements of Penal Code 12403.7 when justified by unusual dangerous circumstances. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.~~

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

EMPLOYEE SECURITY (continued)

Reporting of Injurious Objects

Note: The following **optional** section specifies actions to be taken in the event an employee becomes aware that any person is in possession of an injurious object and is consistent with the actions described in AR 5131.7 - Weapons and Dangerous Instruments related to student possession.

Pursuant to Education Code 49334, any school employee who notifies law enforcement regarding any student or adult who is in possession of an injurious object while on school grounds or under the jurisdiction of school personnel is immune from civil liability or discipline by the district.

The Board requires employees to take immediate action upon being made aware that any person is in possession of an unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the potential danger involved and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately ~~call 911~~ and the principal

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Legal Reference: (see next page)

EMPLOYEE SECURITY (continued)

Legal Reference:

EDUCATION CODE

32210-32212 *Willful disturbance, public schools or meetings*

32225-32226 *Communication devices*

35208 *Liability insurance*

35213 *Reimbursement for loss, destruction or damage of school property*

44014 *Report of assault by pupil against school employee*

44807 *Duty concerning conduct of students*

48201 *Transfer of student records*

48900-48926 *Suspension or expulsion*

49079 *Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion*

49330-49335 *Injurious objects*

CIVIL CODE

51.7 *Freedom from violence or intimidation*

CODE OF CIVIL PROCEDURE

527.8 *Workplace violence safety*

GOVERNMENT CODE

995-996.4 *Defense of public employees*

3543.2 *Scope of representation*

PENAL CODE

71 *Threatening public officers and employees and school officials*

240-246.3 *Assault and battery, including:*

241.3 *Assault against school bus drivers*

241.6 *Assault on school employee includes board member*

243.3 *Battery against school bus drivers*

243.6 *Battery against school employee includes board member*

245.5 *Assault with deadly weapon; school employee includes board member*

290 *Registration of sex offenders*

601 *Trespass by person making credible threat*

626-626.11 *School crimes*

646.9 *Stalking*

12403.7 *Weapons approved for self defense*

WELFARE AND INSTITUTIONS CODE

827 *Juvenile court proceedings; reports; confidentiality*

828.1 *District police or security department, disclosure of juvenile records*

COURT DECISIONS

City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526

Management Resources:

WEB SITES

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

California Department of Education, Safe Schools and Violence Prevention Office:

<http://www.cde.ca.gov/ss>

(2/96 7/01) 3/11

Personnel

EMPLOYEE SECURITY

The Governing Board desires to provide a safe, orderly working environment for all employees. As part of the district's comprehensive school safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for assisting them in the event of an emergency situation.

The Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom.

When violence is directed against an employee by any individual and the employee so notifies the Superintendent or designee, the Superintendent or designee shall take steps to ensure that appropriate legal measures are instituted. When the employee notifies the Superintendent or designee of a threat of bodily harm, the district shall take appropriate measures to enable the employee to request assistance if a threat occurs on school grounds.

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques and crisis resolution.

The Board recognizes that access to two-way communications devices allows employees to call for assistance from their supervisor or law enforcement in the event of a threat of violence or medical emergency. The district shall provide such communications devices in classrooms to the extent possible.

Employees may possess a pepper spray weapon that meets the requirements of Penal Code 12403.7 on school property and at school activities for their own safety. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

Reporting of Injurious Objects

The Board requires school employees to take immediate action upon being made aware that any person is in possession of an injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 5131.4 - Student Disturbances)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5141 - Health Care and Emergencies)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144. - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings
32225-32226 Communication devices
35204 Contract with attorney in private practice or use of administrative advisor
35205 Contract for legal services
35208 Liability insurance
35213 Reimbursement for loss, destruction or damage of school property
44014 Report of assault by pupil against school employee
44807 Duty concerning conduct of students
48201 Transfer of student records
48900-48926 Suspension or expulsion Grounds for suspension or expulsion
49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion
49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety act

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials

240 Definition of assault

241.2 Assault on school or park property against any person

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

242 Definition of battery
243 Battery; definition of "injury" and "serious bodily injury"
243.2 Battery on school or park property against any person
243.3 Battery against school bus drivers
243.6 Battery against school employee includes board member
245.5 Assault with deadly weapon; school employee includes board member
290 Registration of sex offenders
601 Trespass by person making credible threat
626.9 Gun-Free School Zone Act of 1995
626.10 Exceptions to bringing weapons on school grounds
646.9 Stalking
12403.7 Weapons approved for self defense

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality
828.1 District police or security department, disclosure of juvenile records
Management Resources:

CDE CORRESPONDENCE

0401.01 Protecting Student Identification in Reporting Injurious Objects

WEB SITES

CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety/safetyhome>
CSBA: <http://www.csba.org>

5/13/92

6/95

6/10

CSBA Sample Administrative Regulation

All Personnel

AR 4158(a)

4258

EMPLOYEE SECURITY

4358

An employee may use reasonable and necessary force for his/her self-defense, defense of another person, or protection of property; to quell a disturbance threatening physical injury to others; or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

Employees shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

Note: Pursuant to Education Code 44014, an employee or principal/supervisor's failure to report to law enforcement an assault, attack, or physical threat by a student is an infraction punishable by a fine of not more than \$1,000. It is also an infraction for any person, including Governing Board members, to prevent the filing of the report or to impose any sanction against an employee for so doing.

Although the law only requires employees to report attacks, assaults, or threats made by students, the following **optional** paragraph is for use by districts that wish to require employees to report any attack, assault, or threat made against them by any other individual on school grounds.

In addition, employees shall promptly report to the principal or supervisor, and may report to law enforcement, any attack, assault, or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

Reports of attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

(cf. 3320 - Claims and Actions Against the District)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3530 - Risk Management/Insurance)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

Note: Education Code 49079 requires the district to inform teachers of students who have committed specified acts that constitute grounds for suspension or expulsion. School district officers or employees who knowingly fail to provide this information are guilty of a misdemeanor punishable by a fine and/or imprisonment.

EMPLOYEE SECURITY (continued)

The Superintendent or designee shall inform the teacher(s) of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 5125 - Student Records)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Note: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below; see AR 5125 - Student Records. Once the record is received, the Superintendent or designee must inform the student's teacher(s) of the acts as specified below.

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

Note: The following **optional** paragraph is for use by districts maintaining a district police or security department. Welfare and Institutions Code 828 specifies that information gathered by a law enforcement agency relating to a minor taken into custody may be disclosed to a school district police or security department. The following paragraph addresses what the district police department may do with such information as it pertains to certain offenses committed by students.

~~When a minor student has been found by a court of competent jurisdiction to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)~~

(cf. 3515.3 - District Police/Security Department)

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs,

EMPLOYEE SECURITY (continued)

tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institutions Code 827)

The principal shall disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress. The principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

Note: The following optional section describes procedures for maintaining confidentiality of student records and documenting the district's good faith effort to notify counselors or teachers about student offenses. Intentional violation of the confidentiality provisions of Welfare and Institutions Code 827 is a misdemeanor punishable by a fine. This section may be modified to reflect district practice.
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In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification that one of his/her students has committed an offense that requires his/her review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

EMPLOYEE SECURITY (continued)

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

Use of Pepper Spray

Note: The following **optional** section is for use by districts that allow all or individual employees to carry pepper spray on school property or at school activities; see the accompanying Board policy. **Districts that prohibit all employees from possessing pepper spray on school property or at school activities should delete this section.**

Employees who possess pepper spray on school property shall be notified of the following conditions:

1. The pepper spray shall be used only in self-defense.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

3. Employees shall ensure that the pepper spray is stored in a secure place and not accessible to students or other individuals. An employee who is negligent in the storage of pepper spray may be subject to disciplinary action.

Note: The following **optional** paragraph is for use only by districts that allow individual employees to carry pepper spray on a case-by-case basis, as specified in Option 2 of the accompanying Board policy.

Employees wishing to carry pepper spray on school property or to a school-related activity shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. Should the Superintendent or designee determine that the employee may not carry pepper spray, the employee shall receive a written statement of the reason for this determination.

(2/97 11/00) 3/11

Personnel

EMPLOYEE SECURITY

An employee may use reasonable and necessary force when necessary for self-defense, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student. (Education Code 44807, 49001)

If an employee is physically or verbally assaulted by a person on school grounds, the employee is to immediately report the incident to his/her site supervisor. The site supervisor is responsible for reporting the incident to the appropriate District-level personnel. The District will initiate appropriate legal and other remedies as determined by the District, after consulting with the employee and the employee's exclusive representative with two (2) business days of the employee's report, to protect the employee and inform all necessary personnel of potentially dangerous persons or situations.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to their principal or supervisor, and may report to law enforcement, any attack, assault or threat made against them on school grounds by any other individual.

Reports of attack, assault or threat also shall be forwarded immediately to the Superintendent or designee.

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform any of the student's teacher(s) that the student was suspended from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

EMPLOYEE SECURITY (CONTINUED)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institution Code 827)

The principal shall disseminate this information to the counselor(s) who directly supervises or reports on the student's behavior or progress. The principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

Any court-initiated information that a teacher, counselor or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to public school. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the Superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first; it shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification requesting him/her to review a student's file in the school office as soon as practicable. This notification shall not name or otherwise

EMPLOYEE SECURITY (CONTINUED)

identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

Use of Pepper Spray

No person shall be allowed to have pepper spray on a school property unless he/she is a sworn-in law enforcement officer.

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144 - Discipline)
(cf. 3515.2 - Disruptions)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5125 - Student Records)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

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