

STUDENT WELLNESS

Given the documented connection between proper nutrition, adequate physical activity and educational success, the Board of Education adopts the following goals and authorizes the following actions to provide district students with a school environment that promotes student health and wellness and reduces childhood obesity.

For purposes of this policy, “school campus” means all areas of district property accessible to students during the school day; “school day” means the period from the midnight before to 30 minutes after the end of the official school day; and “competitive food” means all food and beverages other than meals reimbursed under federal food programs available for sale to students on the school campus during the school day.

I. Foods and Beverages Available to Students on School Campus During the School Day

The Board recognizes that a nutritious, well-balanced, reasonably-portioned diet is essential for student wellness. To help students possess the knowledge and skills necessary to make nutritious food choices for a lifetime, the district shall ensure that all foods and beverages available in school promote good nutrition, balance, and reasonable portion sizes. The district shall ensure that all foods and beverages available for sale to students on the school campus during the school day meet or exceed the program requirements and nutrition standards found in federal regulations.

To accomplish this, the Board directs that the district serve healthy and appealing foods and beverages at district schools, following state and federal nutrition guidelines, as well as safe food preparation methods.

A. School Meals – the district shall:

1. Include fruits, vegetables, salads, whole grains, and low fat items at least to the extent required by federal regulations.
2. Encourage students to try new or unfamiliar items.
3. Make efforts to ensure that families are aware of need-based programs for free or reduced-price meals and encourage eligible families to apply.
4. Consider serving produce and food from local farms and suppliers.
5. Make free drinking water available at locations where meals are served.

B. Meal Scheduling – the district shall:

1. Provide adequate time to eat.
2. Schedule lunchtime between normal lunch hours (10:40 a.m. - 1 p.m.)
3. No clubs, tutoring, or organizational meetings will be scheduled at lunchtime, unless students may eat during such activities.
4. Provide access to hand washing before students eat meals or snacks will be provided.
5. Provide access to drinking water will be available.

C. Foods and Beverages Sold Individually (e.g., a la carte, vending machines, school stores) – the district shall:

1. Ensure that all such items meet the nutrition standards set in federal regulations for competitive foods regarding whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Permit the sale of fresh, frozen or canned fruits and vegetables, if processed pursuant to federal regulations, as exempt from the nutrition standards.
3. Work with existing vendors or locate new vendors that will comply with nutrition standards.

D. Fund-Raising Activities – the district shall:

NEW NOTE: We have added the underlined text to item 1 below for clarification. All foods sold to students on school campus during the school day are subject to the applicable federal nutrition standards (in this case, for competitive foods). The district can require foods sold for fundraising to meet the federal nutrition standards for reimbursable meals instead, or more stringent standards. The district can take additional steps, such as limiting the number of food-based fundraising activities at the building level.

REVISED NOTE: The federal regulations only apply to fundraisers that take place on the school campus during the school day. The Board does have some discretion in regard to fundraisers taking place off the school campus or outside of the school day, if they are conducted by school sanctioned student groups. If conducted by other groups (e.g., booster clubs, parent groups), the Board can encourage or discourage what is sold, but cannot require or prohibit fundraiser contents that take place off school grounds. The Board could require that all fundraisers taking place on school campus but outside school hours (e.g., concession stand at events, bake sales) comply with this policy. Items 3 and 4 are optional and are offered for the Board's consideration.

1. Ensure that all fundraisers selling food or beverages to students on school campus during the school day meet the competitive foods nutrition standards set in federal regulations for whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Promote non-food items to sell, or activities (physical or otherwise) in which to participate.
3. Student groups conducting fundraisers which take place off the school campus or outside the school day must obey this policy.
4. Outside organizations (e.g., Parent groups, booster clubs) conducting fundraisers which take place off the school campus or outside the school day are encouraged to follow this policy.

E. School and Class Parties, Celebrations, and Events where food and beverages are provided, but not sold – the district shall:

*NEW NOTE: We have modified the title of this subheading to more accurately reflect school activities. The revised federal regulations (7 CFR §210.30(c)(2)) require the wellness policy to contain “standards” (not necessarily specific nutrition standards) for all foods **provided** but not sold on the school campus during the school day. We have added a new item 1 for clarification. In item 3 below the district can encourage the use of the federal competitive food standards for these occasions. Classroom celebrations and the like where food is provided but not sold are not required to follow the federal regulations. The Board can be more stringent if it chooses. Other ideas for healthier or non-food celebrations can be found here: <https://cspinet.org/resource/healthy-school-celebrations>.*

1. This section applies to all school and classroom parties, snacks which have been brought in for the class or school, celebrations, food provided to learn about cultures or countries, and other events where food is provided but not sold.
2. Schools shall set guidelines for the frequency and content of classroom and school-wide celebrations where food and beverages are provided is served.
3. The district shall promote the use of food and beverage items which meet the standards for competitive foods and beverages, promote non-food activities, and discourage foods and beverages which do not meet those standards, at celebrations.
4. Model the healthy use of food as a natural part of celebrations.

F. Marketing of Foods and Beverages

NEW NOTE: The new federal regulations (7 CFR §210.30(c)(3)) require the local wellness policy to address marketing of foods and beverages on school grounds during the school day. Districts may permit the marketing of only those items that meet the nutrition standards for competitive foods. However, school districts in New York State are bound by further restrictions. Under the State Constitution (Article 8, Section 1), school district property may not be used to aid any private corporation or be used for commercial activities. State Vehicle and Traffic Law §375(21-h) prohibits advertising on school buses with a seating capacity of more than seven students. The Rules of the Board of Regents (8 NYCRR §23.2) prohibit electronic commercial promotional activity on school premises (but permit commercial sponsorship of school activities, as long as there is no promotion of a particular product or service). The Commissioner has also held that “pouring rights” contracts are permissible, as long as such contracts meet the applicable requirements of General Municipal Law (§§103 or 104-b). Lighted panels on vending machines are also permissible (Appeal of American Quality Beverages LLC I & II, 42 EDR 144 and 153 (2002)). However, they would now be subject to these federal regulations.

NEW NOTE (cont.):

In its review of public comment to a proposed draft version of the regulations, the Food and Nutrition Services (FNS) of the USDA opined that school districts do not have to remove, for example currently installed promotional scoreboards placed under a contract, but when a new contract is being negotiated, this policy would apply. The district is free to require that all items not currently meeting the standard be replaced. It is also unclear whether a school could cover a non-compliant item during school hours and uncover it after school hours. The FNS also discussed allowing for local flexibility in marketing of a brand vs. a product (where a company makes several products, and only some meet the standards, e.g., “Coca-Cola”), as well as “copycat” products (where a company makes a version of a product that meets the standards). We urge districts to consider the effect of sending mixed messages to students.

1. Any food or beverage that is marketed on school grounds during the school day must meet at least the federal nutrition standards for competitive items.
2. This restriction applies to all school buildings (interior and exterior), school grounds, school buses and other vehicles used to transport students, athletic fields, structures, parking lots, school publications, and items such as vending machines, equipment, posters, garbage cans, or cups.
3. Marketing includes all advertising and promotions: verbal, written, or graphic, or promotional items.
4. This restriction does not apply to personal opinions or expression, or items used for educational purposes.
5. This restriction applies to all purchases and contracts made after the effective date of this provision.

II. Physical Activity

Physical activity is an important factor in staying healthy and being ready to learn. The Board encourages every student to develop the knowledge and skills necessary to perform a variety of physical activities, to regularly participate in physical activity, and to appreciate and enjoy physical activity as an ongoing part of a healthy lifestyle. In addition, staff, families, and community are encouraged to participate in and model physical activity as a valuable part of daily life. The district’s Physical Education program shall adhere to the curricular requirements of the Commissioner of Education and the New York State Learning Standards.

NEW NOTE: *The federal regulations (7 CFR §210.30(c)(1)) previously required districts to establish specific goals for physical activity, but now districts must “review and consider evidence-based strategies and techniques” (i.e., those backed by research) when developing them. In its review of public comment to a proposed draft version of the regulations, the Food and Nutrition Services (FNS) of the USDA characterized the goals as needing to be “measurable” as well, though this term is not in the regulations themselves.*

NEW NOTE (cont.):

Research on the topic of physical activity in schools indicates that short bursts of physical activity during classroom instruction can improve retention of student learning. There may be beneficial effects of an interruption for an unrelated task to aiding neural connections. Other research shows that moderate-to-vigorous physical activity releases brain chemicals that also help learning. Some schools experimenting with more recess (four daily 15-minute recess periods in grades K-1, and two daily 15-minute recess periods in grades 2-5) have found increased self-discipline and focus, higher academic performance, decreased misbehavior, and decreased off-task classroom behavior (<https://liinkproject.tcu.edu/>).

Therefore, while it may seem counterintuitive to some (but not to others), decreasing instructional time in favor of time for adequate movement has real benefits to students, both mentally and physically. Research suggests this will ultimately improve student achievement. The district can set specific goals for time spent in physical education, recess, and other physical activities. Suggested new goals are provided as underlined text below.

OLD NOTE: Areas the Board may wish to consider for goals related to “Physical Activity” are provided in the four categories below. The Board is not required to address all of the subcategories identified below.

A. Physical Education

1. Students shall engage in physical education for at least the minimum number of hours or days per week under State requirements.
2. Physical Education classes shall incorporate the appropriate NYS Learning Standards.
3. Promote, teach and provide opportunities to practice activities that students enjoy and can pursue throughout their lives (e.g., yoga, fitness walking, step aerobics).
4. The performance or withholding of physical activity shall not be used as a form of discipline or punishment.

B. Recess

NEW NOTE: The Commissioner has held that recess cannot be used in place of physical education. While districts could provide physical education during recess time, for reasons discussed above, NYSSBA does not encourage decreasing time spent for either recess or physical education. Research also indicates that having recess **before** lunch leads to less food waste and fewer behavioral problems at lunch. Outdoor recess, as long as children are adequately protected, has benefits over indoor recess due to fresh air and sunshine, but also the psychological effects of leaving the school building.

1. Maintain daily allotment of recess time for elementary school.
2. Recess shall not be used for punishment or reward.
3. Permit ~~Consider~~ scheduling recess before lunch.
4. Recess will be held outdoors whenever possible, and indoors during the most inclement weather, at the discretion of the Building Principal.

- ~~4. If the district is under severe time or space constraints, consider combining recess and Physical Education, though such activity must comply with the requirements for Physical Education under Commissioner's Regulations section 135.4.~~

C. Physical Activity in the Classroom

1. Promote the integration of physical activity in the classroom, both as activity breaks and as part of the educational process (e.g., kinesthetic learning).
2. If the district is under severe time or space constraints, consider meeting the state requirements for Physical Education through collaborative and integrative in-classroom activity, under the supervision of a Physical Education teacher.

D. Extracurricular Opportunities for Physical Activity

1. Promote clubs and activities that meet the various physical activity needs, interests, and abilities of all students (e.g., walking, hiking and climbing, snowshoeing), including before and after school activities.
2. Promote students walking/biking to school (with proper storage of bicycles), safe routes to school, and "walking" school buses.
3. The setting of extracurricular activity eligibility participation requirements does not constitute withholding opportunities.

III. Nutrition Promotion and Education

***NEW NOTE:** The federal regulations (7 CFR §210.30(c)(1)) previously required districts to establish specific goals for nutrition promotion and education, but now districts must "review and consider evidence-based strategies and techniques" (i.e., those backed by research) when developing them. In its review of public comment to a proposed draft version of the regulations, the Food and Nutrition Services (FNS) of the USDA characterized the goals as needing to be "measurable" as well, though this term is not in the regulations themselves.*

FNS has made free lesson plans available online: www.fns.usda.gov/tn/resource-library.

The Board believes that nutrition promotion and education is a key component in introducing and reinforcing healthy behaviors in students. Nutrition promotion and education that teaches the knowledge, skills, and values needed to adopt healthy eating behaviors shall be integrated into the curriculum. Nutrition promotion and education information shall be offered throughout the school campus including, but not limited to, school dining areas and classrooms. Staff members who provide nutrition promotion and education shall be appropriately certified and trained. The district's broader Health Education program shall incorporate the appropriate New York State Learning Standards.

***OLD NOTE:** Sample goals related to "Nutrition Promotion and Education" are provided as items 1-5 below.*

The Board's goals for nutrition promotion and education include that the district will:

1. Include nutrition education as part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences and elective subjects.
2. Include enjoyable, developmentally appropriate, culturally relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens.
3. Promote fruits, vegetables, whole grain products, low fat dairy products, safe and healthy food preparation methods, and health enhancing nutrition practices.
4. Emphasize caloric balance between food intake and energy expenditure.
5. Teach media literacy with an emphasis on food marketing.

IV. Other School-Based Activities

***NEW NOTE:** The federal regulations (7 CFR §210.30(c)(1)) previously required districts to establish specific goals for other school-based activities, but now districts must “review and consider evidence-based strategies and techniques” (i.e., those backed by research) when developing them. In its review of public comment to a proposed draft version of the regulations, the Food and Nutrition Services (FNS) of the USDA characterized the goals as needing to be “measurable” as well, though this term is not in the regulations themselves. Districts may wish to consider activities such as school gardens, farm-to-school activities. Other ideas for classroom rewards other than food can be found here: <https://cspinet.org/resource/constructive-classroom-rewards-fact-sheet>.*

The district may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity. Such activities may include, but are not limited to, health forums or fairs, health newsletters, parent outreach, employee health and wellness activities, limiting the use of food as a reward, reviewing food marketing and advertising in school, hosting or promoting community-wide events, and offering wellness-related courses in the district’s adult education program.

V. Implementation

***NEW NOTE:** The new federal regulations specify that the wellness policy must identify the position of the school official designated as responsible for the implementation and oversight of the wellness policy. We have selected the term “wellness coordinator” which the district may change; however, districts must insert the actual job title of the person so designated. We have retained school-level Coordinator designations as well, but those titles do not need to be included in the policy.*

The Board shall designate the principal **a** District Wellness Coordinator **to be** responsible for ensuring that the provisions of this policy are carried out throughout the district. The Board may also designate one person in each building as School Wellness Coordinator to ensure that the wellness activities and actions are being implemented at the building level.

VI. Monitoring and Review

NEW NOTE: The federal law and regulations require districts to monitor the implementation of the wellness policy, including the extent to which schools are in compliance with the policy, how the policy compares to model policies, and the progress made toward the goals of the policy. If the ultimate goals of this policy are to increase student wellness and decrease childhood obesity, that must be assessed as well. The new regulations (7 CFR §210.30(d) and (e)) specify this assessment must take place once every three years, and the results must be made available to the public. The Board is free to require assessments more frequently, but the underlined text below reflects the requirements of federal regulations.

The principal, District Wellness Coordinator, shall report every three years to the Board and the public on the implementation and effectiveness of this policy. Every three years, the District Wellness Coordinator, in consultation with appropriate personnel and advisory committees, shall monitor and review the district's wellness activities to determine the extent that district schools are complying with this policy, how this policy compares to model wellness policies, and the progress made toward attaining the goals of this policy and whether this policy is having a positive effect on increasing student wellness and decreasing childhood obesity in the district. Based on those results, this policy, and the specific objectives set to meet its goals, may be revised as needed.

REVISED NOTE: The two paragraphs below reflect the requirements of the Healthy, Hunger-Free Kids Act of 2010. The new federal regulations (7 CFR §210.30(c)(5) and (d)(2)) require the wellness policy to include a description of the manner in which the district will involve stakeholders, and for reporting to the public on the policy's content and implementation. New York State Education Law §918 outlines a specific "nutrition advisory committee" which could be used to meet the requirements for community participation. Or, your district could use a Wellness Committee to satisfy this requirement. Please ensure the last sentences, provided as a suggestion, reflects the district's intended actions. Note that the district must document its community involvement efforts, which will be considered in SED reviews.

Parents, students, food service professionals, physical education teachers, school health professionals, school administrators, the general public, and the school board shall be provided with the opportunity to participate in the development, implementation and periodic review and update of this wellness policy. To do this, the district shall ~~select as applicable or create new:~~ establish an advisory committee, and invite participation via notices in school publications; staff and student announcements, handbooks and memos; the district website; and outreach to school-associated organizations interested persons and those with valuable expertise].

The district shall inform and update the public (including parents, students and others in the community) about the content and implementation of this wellness policy by ~~select as applicable or create new:~~ posting this policy (and any updates) on the district website and in each school lunch area, referencing the policy and its availability on school publications and

notices, and providing information about new and ongoing wellness policy activities to parents, staff and students via established communication channels].

REVISED NOTE: The new federal regulations require the wellness policy to include a description of the plan for measuring implementation of the policy (7 CFR §210.30(c)(6)). Actions the Board may wish to consider related to “Monitoring and Review” are provided in items 1-11 below. These items should be modified by the district. Item 11 is meant to address assessing the effectiveness of this policy toward meeting the ultimate goals required of this policy, and is modified to reflect the triennial assessment requirement.

The district shall monitor and review the implementation and effectiveness of this policy by conducting:

1. Periodic informal surveys of Building Principals, classroom staff, and school health personnel to assess the progress of wellness activities and their effects.
2. Periodic checks of the nutritional content of food offered in the cafeterias for meals and a la carte items, and sales or consumption figures for such foods.
3. Periodic checks of the nutritional content of food available in vending machines, and sales or consumption figures for such foods.
4. Periodic checks of the amount of time students spend in Physical Education classes, and the nature of those activities.
5. Periodic checks of extracurricular activities of a physical nature, in the number of offerings and rates of participation by students.
6. Periodic checks of student mastery of the nutrition education curriculum.
7. Periodic completion of relevant portions of the CDC School Health Index.
8. Periodic review of data currently collected by the district, including:
 - a. attendance data, particularly absences due to illness;
 - b. test scores;
 - c. rates of suspension, discipline, and violent incidents;
 - c. physical education scores on flexibility, endurance, and strength (i.e., fitness test results);
 - d. student BMI (Body Mass Index) statistics, as collected in accordance with the State Department of Health efforts; and
 - e. revenues generated from vending machines and a la carte food items.
9. Periodic surveys of student/parent opinions of cafeteria offerings and wellness efforts.
10. Periodic review of professional staff development offered which focuses on student wellness.
11. NYSSBA’s Student Wellness Assessment Checklist [every three years] to review the effectiveness of this policy.

VII. Recordkeeping

NEW NOTE: While not required to be included in the policy, it may be helpful to state the recordkeeping requirements of the federal regulations (7 CFR §210.30(f)) here. SED will be requesting these documents as part of the administrative reviews mentioned above, but will also

NEW NOTE (cont.):

be requesting documentation on when and how the review and update of this policy occurs, and documentation on how the public knows about the assessment results.

The district shall keep records as required by federal regulations, including documentation of the following: this policy; the district's community involvement activities described above; that the policy is made available to the public; the assessments done every three years; how the public is informed of the assessment results; and when and how the policy is reviewed and updated.

NEW NOTE: *We have updated the citations for the revised federal regulations and clarified others. 7 CFR §210.11a, regarding foods of minimal nutritional value, was deleted as addressed elsewhere.*

Ref: P.L. 111-296 (The Healthy, Hunger-Free Kids Act of 2010), §204 amending 42 USC §1758b
 P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004), §204
 42 USC §§1758(f)(1); 1766(a) (Richard B. Russell National School Lunch Act)
 42 USC §1779 (Child Nutrition Act)
 7 CFR §§210.10; 210.11; ~~210.11a~~; 210.12; 210.15; 210.18; 210.30 (National School Lunch Program participation requirements – nutrition standards for lunch and competitive foods; community involvement; recordkeeping; state review; local wellness policy)
 7 CFR §§220.8; 220.12 (School Breakfast Program participation requirements – nutrition standards for meals and competitive foods)
 8 NYCRR Part 135 (Health and Physical Education curricular requirements); §114.1 (School Breakfast Program Requirements)
Appeal of Phillips, 37 EDR 204 (1997) (dec. no. 13,843) (physical education requirements)
Appeal of Williams, 32 EDR 621 (1993) (dec. no. 12,934) (physical education requirements)

Replaced, Adopted