

San Jose Unified School District

**Students**

BP 5030(a)

**STUDENT WELLNESS**

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

- (cf. 0000 - Vision)*
- (cf. 0200 - Goals for the School District)*
- (cf. 3513.3 - Tobacco-Free Schools)*
- (cf. 3514 - Environmental Safety)*
- (cf. 5131.6 - Alcohol and Other Drugs)*
- (cf. 5131.61 - Drug Testing)*
- (cf. 5131.62 - Tobacco)*
- (cf. 5131.63 - Steroids)*
- (cf. 5141 - Health Care and Emergencies)*
- (cf. 5141.23 - Infectious Disease Prevention)*
- (cf. 5141.3 - Health Examinations)*
- (cf. 5141.31 - Immunizations)*
- (cf. 5141.32 - Health Screening for School Entry)*
- (cf. 5141.6 - Student Health and Social Services)*
- (cf. 5142 - Safety)*
- (cf. 5146 - Married/Pregnant/Parenting Students)*
- (cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)*
- (cf. 6164.2 - Guidance/Counseling Services)*

**School Health Council/Committee**

The Board's policy related to student wellness shall be developed with the involvement of parents/guardians, students, school food service professionals, school administrators, Board representatives, and members of the public.

The Superintendent or designee may appoint a school health council or other committee consisting of representatives of the above groups. The council or committee may also include district administrators, health professionals, school nurses, health educators, physical education teachers, counselors, and/or others interested in school health issues.

- (cf. 1220 - Citizen Advisory Committees)*
- (cf. 9140 - Board Representatives)*

**STUDENT WELLNESS (continued)**

The school health council or committee shall assist with policy development and advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the council's charges may include planning and implementing activities to promote health within the school or community.

**Nutrition Education and Physical Activity Goals**

The Board shall adopt goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the district determines appropriate.

The district's nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

*(cf. 6010 - Goals and Objectives)*

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

Nutrition education shall be provided as part of the health education program in grades K-12 and, as appropriate, shall be integrated into core academic subjects and offered through before- and after-school programs.

*(cf. 6142.8 - Comprehensive Health Education)*

All students in grades K-12 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, school athletic

**STUDENT WELLNESS** (continued)

programs, extracurricular programs, before- and after-school programs, and other structured and unstructured activities.

*(cf. 6142.7 - Physical Education)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

The Superintendent or designee shall encourage staff to serve as positive role models. He/she shall promote and may provide opportunities for regular physical activity among employees.

Professional development shall include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

*(cf. 4131- Staff Development)*

*(cf. 4331- Staff Development)*

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, the district or school web site, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

*(cf. 1113 - District and School Web Sites)*

*(cf. 6020 - Parent Involvement)*

The Board discourages the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, or other means.

*(cf. 1325 - Advertising and Promotion)*

**Nutrition Guidelines for Foods Available at School**

The Board shall adopt nutrition guidelines selected by the district for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity.

**STUDENT WELLNESS (continued)**

The Board believes that foods and beverages available to students at district schools should support the health curriculum and promote optimal health. Nutrition standards adopted by the district for all foods and beverages sold to students, including foods and beverages provided through the district's food service program, student stores, vending machines, fundraisers, or other venues, shall meet or exceed state and federal nutrition standards.

*(cf. 3312 - Contracts)*

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

*(cf. 3554 - Other Food Sales)*

*(cf. 5148 - Child Care and Development)*

*(cf. 6300 - Preschool/Early Childhood Education)*

The Superintendent or designee shall set standards for school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

*(cf. 1230 - School-Connected Organizations)*

School staff shall provide parents/guardians or other volunteers a nutritious foods list in support of the district's nutrition education program. Nutritional quality shall be considered when selecting any snacks which they may donate for occasional class parties and by limiting foods or beverages that do not meet nutritional standards to no more than one food or beverage per party.

Class parties

or celebrations shall be held after the lunch period when possible.

**Guidelines for Reimbursable Meals**

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a), and 1779(a) and (b), as they apply

to schools. In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs, to the extent possible.

*(cf. 3553 - Free and Reduced Price Meals)*

**STUDENT WELLNESS** (continued)**Program Implementation and Evaluation**

The Board shall establish a plan for measuring implementation of the policy. The Superintendent shall designate at least one person within the district and at each school who is charged with operational responsibility for ensuring that the school sites implement the district's wellness policy.

*(cf. 0500 - Accountability)*

The Superintendent or designee shall recommend for Board approval specific quality indicators that will be used to measure the implementation of the policy districtwide and at each district school. These measures shall include, but not be limited to, an analysis of the nutritional content of meals served; student participation rates in school meal programs; any sales of non-nutritious foods and beverages in fundraisers or other venues outside the district's meal programs; and feedback from food service personnel, school administrators, the school health council, parents/guardians, students, and other appropriate persons.

The Superintendent or designee shall report to the Board at least every two years on the implementation of this policy and any other Board policies related to nutrition and physical activity.

**Posting Requirements**

Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

Each school shall also post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

**STUDENT WELLNESS (continued)**

*Legal Reference:*

EDUCATION CODE

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

49490-49493 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

49550-49560 Meals for needy students

49565-49565.8 California Fresh Start pilot program

49570 National School Lunch Act

51222 Physical education

51223 Physical education, elementary schools

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Program, especially:

1751 Note Local wellness policy

1771-1791 Child Nutrition Act, including:

1773 School Breakfast Program

1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

*Management Resources:*

CSBA POLICY BRIEFS

*The New Nutrition Standards: Implications for Student Wellness Policies, November 2005*

CSBA PUBLICATIONS

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Healthy Children Ready to Learn, January 2005*

*Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003*

*Physical Education Framework for California Public Schools, Kindergarten Through Grade 12, 1994*

CENTERS FOR DISEASE CONTROL PUBLICATIONS

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

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION (NASBE) PUBLICATIONS

*Fit, Healthy and Ready to Learn, 2000*

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

*Dietary Guidelines for Americans, 2005*

*Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000*

**STUDENT WELLNESS (continued)**

WEB SITES

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

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

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

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

*California Project LEAN (Leaders Encouraging Activity and Nutrition):*

*<http://www.californiaprojectlean.org>*

*Centers for Disease Control and Prevention (CDC): <http://www.cdc.gov>*

*Dairy Council of California: <http://www.dairyCouncilofca.org>*

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

*National Association of State Boards of Education: <http://www.nasbe.org>*

*National School Boards Association: <http://www.nsba.org>*

*School Nutrition Association: <http://www.schoolnutrition.org>*

*Society for Nutrition Education: <http://www.sne.org>*

*U.S. Department of Agriculture: [http://www.fns.usda.gov/tn/Healthy/wellnesspolicy\\_steps.html](http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html)*

Policy:  
Adopted: June 20, 2006

SAN JOSE UNIFIED SCHOOL DISTRICT  
San Jose, California

**Student Nutrition Services Program**

The Board recognizes that students need adequate, nourishing food in order to grow, learn and maintain good health. The Board also acknowledges that schools play a vital role in childhood nutrition and fitness, and as part of the larger community, they have a responsibility to promote family health and provide a strong foundation for children's future health and well being. To reinforce the District's nutrition education program, foods available on school premises shall be:

1. Carefully selected so as to contribute to students' nutritional well-being and the prevention of disease.
2. Prepared in ways which will appeal to students, retain nutritive quality and foster healthful eating habits.
3. Served in age-appropriate quantities and at reasonable prices.

(cf. 3551- Student Nutrition Services Operations/Cafeteria Fund)

(cf 3553 - Free and Reduced Price Meals)

(cf 3554 - Other Food Sales)

(cf 5141.32 – Child Health and Disability Prevention Program)

(cf 6142.8 - Comprehensive Health Education)

The Superintendent or designee shall ensure that the meals offered by the District's Student Nutrition Services Program meet all legal requirements (e.g. nutritional standards) required for participation in the National School Lunch and School Breakfast Programs.

To the extent permitted under the National School Lunch and School Breakfasts Programs, students in all grades shall be allowed to decline parts of their meals which they do not intend to consume, while still allowing the meal to qualify for reimbursement under the National School Lunch and School Breakfast Programs pursuant to 7CFR210.10 and 220.8.

The Superintendent or designee shall ensure that all food and beverages meet the nutritional standards required by the State of California.

The Superintendent or designee shall establish procedures whereby students and parents/guardians may participate in the selection of foods of good nutritional quality for school menus. To facilitate compliance, a list of acceptable food and beverage items will be provided to all school Principals for distribution to teachers and parents, and made available on the SJUSD website.

School and class celebrations during the school day should occur after the last lunch period and should be limited to no more than one per class per month. Each celebration should include foods and beverages that meet the nutritional standards established by the district. Home-prepared goods are not permitted on school campuses. The district will provide a list of healthy celebration ideas to parents and teachers. Catering through Student Nutrition Services should be utilized whenever possible.

**Business and Noninstructional Operations**

BP 3550(a)

**Student Nutrition Services Program (continued)**

Legal Reference:

EDUCATION CODE

[38080-38103](#) Cafeterias - establishment and use

[45103.5](#) Contracts for management consulting services; restrictions

[49490-49493](#) School breakfast and lunch programs

[49500-49505](#) School meals

[49510-49520](#) Nutrition

[49530-49536](#) Child Nutrition Act of 1974

[49540-49546](#) Child care food program

[49547-49548.3](#) Comprehensive nutrition services

[49550-49560](#) Meals for needy students

CODE OF REGULATIONS, TITLE 5

[15500-15501](#) Food sales by student organizations

[15510](#) Mandatory meals for needy students

[15530-15535](#) Nutrition education

[15550-15565](#) School lunch and breakfast programs

[15566-15569](#) California Fresh State Pilot Program

CODE OF FEDERAL REGULATIONS, TITLE 7

210-220 National School Lunch Program and School Breakfast Program

**Student Nutrition Services Program (continued)**

Management Resources:

CDE PROGRAM ADVISORIES

[1200.89](#) Nutrition and Its Partnership with Education, FSB:89/90-6

SBE POLICIES

Nutritional Quality of Foods and Beverages Available in California Public Schools, 1/92

Nutrition Education and Training, 1/92

Establishment of Local Policies on Nutritional Quality of Food and Beverage Sales on Public School Campuses, 1/92

U.S. DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF HEALTH AND HUMAN SERVICES

1990 Dietary Guidelines for Americans, U.S. Department of Agriculture and Department of Health and Human Services, 1990

Policy

SAN JOSE UNIFIED SCHOOL DISTRICT

Adopted: June 20, 2006

San Jose, California

**Student Nutrition Services Program**

The Superintendent or designee shall ensure that all food and beverages meet the nutritional standards established by the board of education and/or at a minimum required by the State of California.

## Nutrition Standards

1. The Principal will ensure that all foods and beverages served on all elementary, middle and high school campuses from 1/2 hour before the morning opening of school until 1/2 hour after the last period, have been approved by Student Nutrition Services and is compliant with State laws and regulations.
2. An individually sold snack may have no more than:
  - No more than 35% of total calories from fat (not including fruits, vegetables, and 100% juices) excluding legumes, nuts, nut butters, seeds, eggs, vegetables that have not been deep fried and cheese packaged for individual sale.
  - No more than 10% of total calories from saturated fat (excluding eggs and cheese packaged for individual sale)
  - No more than 35% added sugar by weight (excluding fruits, vegetables, and 100% juices).
  - 175 Calories (elementary schools)
  - 250 Calories (middle and high schools)
3. An individually sold entrée may have no more than:
  - 4 grams of fat per 100 calories
  - 400 calories
  - And must qualify under the federal meal program
4. All food served to students on school district property commencing 1/2 hour before school to 1/2 hour after school shall meet the same nutritional standards as described in (2 and 3) above.
5. The District shall monitor vending machines on its property and shall determine the vendors, numbers of machines at each school, their locations, contents, and hours of operation. Contracts with vending machine companies shall permit advertising of food or drink as approved by the district.
6. The Student Nutrition Services Department shall develop a plan to improve the nutritional value of the food it serves, and work to eliminate the use of trans-fats. Efforts will include working towards providing the healthiest possible foods, including the purchase and use of local and organic fruits and vegetables whenever possible. Student Nutrition Services will have available to all students, parents, and staff the nutritional analysis of all food and beverage items served.
7. The Student Nutrition Services Department shall offer the opportunity to enter into partnerships with student groups to raise funds for student activities and share the profits from such events (e.g. food carts, student stores, barbeques, etc.)

**SJUSD Student Nutrition Services Program (continued)**

8. Effective July, 2006 9th to 12th Carbonated soft drinks will not be sold by any entity on any High School campus (Grades 9-12) of SJUSD to students. In addition, schools will request that donated drinks (under any existing soda contract, and brought in for class parties, school sponsored events, etc.) will be from the list below.
- Water, 100% fruit juices or fruit based drinks with no less than 50% fruit juice and no added sweetener, and electrolyte replacement beverages with no more than 42 grams of added sweetener with 20 oz. serving and/or non-fat or reduced fat milk.

**Nutrition Advisory Committee**

The District shall establish and sustain a Nutrition Advisory Committee as a component of the Coordinated School Health Council to discuss nutrition and physical activity related topics of concern to the school community and to continue to develop school district nutrition and wellness policies for recommendation to and approval by the Board. (Education Code 49433) The Nutrition Advisory Committee will be known as the Shaping Health as Partners in Education (SHAPE) Committee (see: [www.cde.gov/shape](http://www.cde.gov/shape))

The SHAPE committee may include, but is not limited to, the following members: Board member, Student Nutrition Services staff, principals, physical and health education teachers, school nurses, dietitians, students, parents and community representatives. Responsibilities of the SHAPE committee may include, but are not limited to the following:

1. Meeting at least four times annually.
2. Develop and oversee a communication plan that may include newsletters to school principals, PTA and/or Home and School Clubs, Parent Education and posting of information on the District's web site.
3. Working with the Student Board Representative and/or parents to conduct an annual student satisfaction survey.
4. Monitoring the District's compliance with this policy and suggesting ways to improve the nutrition and health of SJUSD's students.
5. Conduct an assessment every two years to determine compliance and progress toward implementation of the adopted nutrition policy and set priorities.
6. Invite new members annually.
7. Submit a bi-annual report to the Board on the District's compliance with this policy

**Student Nutrition Services Program**

Other Food Sales

With the approval of the Superintendent or designee, food sales may be held by school-related groups, including but not limited to students, teachers, parents/guardians and booster groups, provided that these sales are in compliance with state and federal regulations. Such food sales shall not impair student participation in the District's Student Nutrition Services program.

(cf. 1230 - School-Connected Organizations)

(cf. 3550 - Student Nutrition Services)

Sanitation and safety procedures shall comply with the requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.

No foods of minimal nutritional value shall be sold in Student Nutrition Services areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)

All foods offered for sale at any school on any school day by any student or adult entity or organization shall be selected from the nutritious foods listed in Education Code 38085) (list to be made available to Principals, teachers, parents, etc.) as outlined in AR 3550)

The term “sold” refers to any food or beverage provided to students on school grounds in exchange for money, coupons, or vouchers. The term does not refer to food brought from home for individual consumption.

When raising money for district schools or student groups by selling food items, organizations must choose items that meet nutrition standards outlined in BP 3550. All fundraisers involving the sale of food shall be planned in cooperation with a Student Nutrition Service representative, and presented to the principal or designee for review of compliance with BP3550 and state law.

(cf. 3551- Student Nutrition Services Operations/Cafeteria Fund)

(cf 3553 - Free and Reduced Price Meals)

(cf 3554 - Other Food Sales)

(cf 5141.32 – Child Health and Disability Prevention Program)

(cf 6142.8 - Comprehensive Health Education)

Legal Reference:

EDUCATION CODE

[38085](#) Sale of specified food items

[48931](#) Authorization and sale of food

[51520](#) School premises; prohibited solicitations

**Student Nutrition Services Program**

CODE OF REGULATIONS, TITLE 5

[15500](#) Food sales in elementary schools

[15501](#) Sales in high schools and junior high schools

HEALTH AND SAFETY CODE

[113700-114455](#) California Uniform Retail Food Facilities Law, especially:

[113785](#) Food facility

[113825](#) Occasional event

UNITED STATES CODE, TITLE 42

[1751](#) et seq. National School Lunch Act

[1771](#) et seq. National School Breakfast Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210-220 National School Lunch Program and School Breakfast Program

Policy

SAN JOSE UNIFIED SCHOOL DISTRICT

Adopted: June 20, 2006

San Jose, California

**Other Food Sales**

Student organizations may sell nutritious food items approved by the Board only if such sales are conducted in compliance with 5 CCR 15500-15501. Items sold during the regular school day must not be food items prepared on school premises or sold in the food service program at school during that day.

Every effort will be made to encourage fundraisers that reflect our commitment to student health and well being. Fundraisers that encourage the sale of non-food items, nutritious food items, and physical activity events are strongly encouraged.

When raising money for district schools or student groups by selling food items, organizations must choose items that meet nutrition standards outlined in BP 3550. All fundraisers involving the sale of food shall be planned in cooperation with a Student Nutrition Service representative, and presented to the principal or designee for review of compliance with this policy and state law.

All profits from such fund-raisers shall benefit the school or student groups sponsoring the sale. (cf. 1321 - Solicitations of Funds from and by Students) The Principal or designee shall be responsible for individual school compliance.

**Middle and High Schools**

The governing board of any district or a county superintendent of schools maintaining a high school or a middle school may permit an organization consisting solely of pupils of such school to sell food items during or after the regular school day if the following conditions are met:

- (1) The governing board approves the specific nutritious food items.
- (2) A student organization or organizations participating in a partnership program with student nutrition services may be approved to sell food at any time during the school day, including the regularly scheduled food service period(s) and may be the same type of food item offered by Student Nutrition Services.

**Other Food Sales (continued)**

Competitive Food Sales

A student organization or organizations may be approved to sell food at any time during the school day, including the regularly scheduled food service period(s) as provided in (1) and/or (2) below:

(1) Only one such organization each school day selling no more than three types of food or beverage items such as healthy snacks, popcorn, nuts, fruit, fruit juices and water; and/or

(2) Any one or more student organizations may conduct no more than four food sales of any food items during a school year in each school, but such sales shall be held on the same four days for any or all organizations.

The sales during the regular school day are not of food prepared on the premises.

The food items sold during the regular school day are not those sold by the District in the food service program at that school during that school day.

Definitions:

“Prepared on the premises” refers to the preparation, heating or reheating and service of hot food and/or beverage items such as; instant soup, hot chocolate, microwave popcorn, or pizza.

“Types of food or beverage items” refer to categories of food groupings such as; fruit juices, soft drinks, sandwiches, or healthy snacks. For example, if the food service program offers fruit juice for sale, a student organization shall not sell any type of fruit juice.

Elementary Schools, Middle Schools and High Schools have different requirements:

Elementary Schools may not sell more than one food item; the item must be from the specified list of nutritious foods as per BP 3550.

Middle and High Schools are permitted to have only one organization sell each day except four days during the school year. On four days during the year, any number of organizations may sell.

The above regulations regarding the frequency and content of food sales shall apply to eligible adult groups as well as student organizations.

The sale of foods during meal periods in Student Nutrition Services areas shall be allowed only if all net income from the sale, including the sale of approved foods or beverages from vending machines, accrues to the benefit of the school, the school Student Nutrition Services Program, or the student organization(s) sponsoring the sale. (7 CFR 210.11, 220.12)

**Other Food Sales (continued)**

In order to be eligible to conduct food sales during school hours and within 1/2 hour before and 1/2 hour after school hours, a parent/guardian group or outside group must be legally organized for charitable and nonpartisan purposes. (Education Code 51520)

Home-baked or prepared food is not allowed on campus, except for individual use. (Health and Safety Code 113785, 113825)

Student Nutrition Services, or designee must approve all foods available for sale or distribution on school campuses.

Outside vendors offering food and beverage items to be sold through student and parent groups or the student store must provide the nutritional analysis for each item being offered. The Student Nutrition Services Department will review this information. Any food item that does not meet the District's nutritional standards is not permitted to be sold to district students.

Student Nutrition Services will inspect all outside food vendors to insure that they meet all required sanitation and safety requirements of the California Uniform Retail Food Facility Law. This may include, inspection of their production facilities and any food or beverages they provide to our middle or high school campus.

**Vending Machines**

In the interest of supporting a healthy environment for students, the District shall strive for consistency in its nutritional standards of foods and beverages sold in vending machines. To achieve that goal, the control and supervision of all machines on school grounds shall be centralized so that the District's nutrition guidelines and the guidelines embodied in this Wellness Policy can inform how these machines are stocked and operated. In addition, special care should be taken to ensure that all images or advertising on machines that is visible to students carry messages that promote the consumption of nutritious foods and beverages.

The District shall implement the following specific vending machine policies:

1. With regard to foods and beverages sold on District property through vending machines, the District shall implement a districtwide Vending Machine Program ("the Vending Program") that places exclusive authority over all vending activities under the control of District administrators. The purposes of the districtwide Vending Program include (1) ensuring that the Wellness Policy is implemented uniformly throughout the district; (2) creating economies of scale in order to increase revenues to the District; (3) improving process efficiencies; (4) improving communication and customer service; and (5) ensuring that revenues generated from vending sales are properly accounted for and applied to educational purposes.

**Other Food Sales (continued)**

2. The District shall ensure that its Vending Program is implemented and conducted in accordance with all federal, state, and local laws including California Education Code Section 35182.5. This law controls how school districts can enter into contracts that grant advertising rights, including such advertising as may occur on vending machine fronts.
3. The District's exclusive authority over the Vending Program means that at a minimum that the District shall:
  - Identify vendors through a competitive procurement process;
  - Negotiate and enter into only those vending contracts that help achieve Wellness Policy objectives and ensure that all vending contracts contain language that permits the District to enforce the Wellness Policy objectives contained in the contract to the maximum extent permitted by law;
  - Enter into only those vending contracts that maximize revenues to the District, provide for accurate and timely revenue reports, permit District auditing rights, permit contract renegotiation in the event that the Wellness Policy or California law is amended during the term of the contract, and have a duration of no greater than three to five years;
  - Consult on a regular basis with school site administrators to ensure open and continuous communication about the Vending Program;
  - Establish the maximum number of machines to be allowed per site;
  - Pre-identify all vending machine locations;
  - Select all products to be vended;
  - Ensure that students do not have access to vending machines that sell foods or beverages not in compliance with the Wellness Policy;
  - Establish the hours that vending machines can be operated; and
  - Establish and maintain a system of financial accountability that safeguards public funds, applies all Vending Program revenues towards public education purposes, and, to the greatest extent possible, shares revenues across District lines.
4. Nothing in the Vending Program shall be construed to require a school site principal or administrator to place vending machines on their school site and the decision whether to install vending machines shall be retained solely by each individual principal or school site administrator.

In furtherance of its goals to provide high quality educational services and promote student's health and welfare, the District shall create and maintain a learning environment free from commercial distractions.

**Other Food Sales (continued)**

## Advertising of Non-Nutritious Food Items

The District acknowledges that student's health-related choices are influenced by many factors and that advertising plays a key role in their decision-making. The District's efforts to teach students how to make informed choices about nutrition, physical activity and health can be impeded if students are exposed to advertising on District property that contains messages that are contrary to, or different from, the health information contained in the District's curriculum.

Therefore in order to ensure that students receive a consistent message about nutrition, health, and physical activity and also in order to support students and families in their efforts towards putting the District's health and nutrition teachings into practice, the District shall maintain exclusive authority and control over all advertising on District property. Such control extends to advertising about foods, beverages, health related issues, or physical activity, and applies regardless of the point of view expressed in the advertising or the medium used to disseminate the advertising.

In exercising its exclusive control over advertising, the District shall, at a minimum:

1. Only permit third parties to advertise products that meet the standards set forth in the Wellness Policy or those that are included in the list of items that can be served or sold on campus or on school grounds, as that list may be promulgated from time to time by District administrators. All other food, beverage, physical activity, or health related advertising, regardless of its viewpoint, is prohibited.
2. Only enter into or renew a contract in which the District grants advertising rights if such contract has been developed in compliance with California Education Code Section 35182.5. This law controls how school districts may enter into contracts that grant advertising rights by establishing, among other things, public hearing and competitive procurement requirements. §35182.5 applies to any contract that involves advertising rights including but not limited to advertising on vending machine fronts, score boards, billboards, posters, book covers, classroom oriented programs, internet ads, corporate sponsored educational materials, and corporate sponsored contests or incentive programs that carry brand names and logos into the school environment.
3. Include in any contract that grants advertising rights language that:
  - Prevents the vendor from challenging any portion of the contract, including the advertising restrictions;
  - Creates a deterrent for the vendor to fund or otherwise encourage a third party to challenge any portion of the contract, including the advertising restrictions; and motivates the vendor to comply with the contract by defining the vendor's failure to comply with advertising restrictions as a material breach of the contract and thus subject to liquidated damages.

**Business and Non Instructional Operations**

AR 3554(e)

**Other Food Sales (continued)**

(cf. 3551- Student Nutrition Services Operations/Cafeteria Fund)

(cf 3553 - Free and Reduced Price Meals)

(cf 3554 - Other Food Sales)

(cf 5141.32 – Child Health and Disability Prevention Program)

(cf 6142.8 - Comprehensive Health Education)

(Health and Safety Code 113785, 113825)

(EC 48931 - Other food sales)

Administrative Regulation  
Adopted: June 20, 2006

SAN JOSE UNIFIED SCHOOL DISTRICT  
San Jose, California