

## **Policy ~~8500~~ 350 – ~~Food Services~~ Nutrition and Wellness**

**Revised policy and repeal of Policy 8510 (Wellness), Policy 8510.01 (Child Nutrition), Policy 8531 (Free and Reduced-Price Meals), Policy 8540 (Vending Machines), and Policy 8550 (Competitive Food Sales) effective upon passage**

*1<sup>st</sup> reading*      January 24, 2019

*2<sup>nd</sup> reading*      February 7, 2019

*3<sup>rd</sup> reading*

**Statutory authority**      West Virginia Board of Education Policy 4321.1

### **Administrative Guidelines**

- i.      County Wellness Program
- ii.     Vending Machines

The Board of Education shall provide cafeteria facilities in all school facilities where space and facilities permit, and will provide food-service for the purchase and consumption of breakfast and lunch for all students. The Board shall annually encumber the funds needed to operate the program.

The Board must annually approve the Sponsor's Agreement and Policy Statement for provision of free and reduced price meals and snacks, or free milk, free textbooks, workbooks and instructional supplies. The Superintendent must provide copies of sponsor's approved Policy Statement to all participating schools.

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the current USDA's school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.

The Board shall approve and implement nutrition standards governing the types of food and beverages that may be sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold. In adopting such standards, the Board shall:

- A. consider the nutritional value of each food or beverage;
- B. consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services; and
- C. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service program staff and other authorized persons.

The Board shall provide a Federal food service program for students during summer intervention programs that are mandated under Federal law. If the Board determines that it is unable to provide a Federal food service program during the summer, for financial reasons, the Board will communicate that decision to its residents in a manner it determines to be appropriate.

substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a healthcare provider who has prescriptive authority in the State of West Virginia has provided medical certification that the student has to have a disability which restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. 15(b). (See also Board Policy 5335.01 - Diet Modifications) Such substitutions shall be recorded in the affected student's 504 Plan or health plan, as the case may be. To qualify for such substitutions the medical certification must identify:

- A. the student's medical condition or symptoms of a condition that restricts one (1) or more major life activity or function;
- B. an explanation of how the condition or symptom affects the student's diet; and
- C. the food(s) to be omitted from the student's diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

On a case by case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who are not "disabled persons", but have a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student's diet; and
- B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

For students who need nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required.

Breakfast and lunches sold by the school may be purchased by students and staff members and community residents in accordance with the rules of the ~~District's~~ County's school lunch program.

The operation and supervision of the food-service program shall be the responsibility of the ~~Director of Child Nutrition~~ School Nutrition Program Director. The food service program should be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program.

In accordance with Federal law, the ~~Director of Child Nutrition~~ School Nutrition Program Director shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year for each school, which are conducted by State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available to members of the public upon request.

A periodic review of the food-service accounts shall be made by the ~~Food Service Department~~ School Nutrition Program Director. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a la carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account. All meals must be priced and served as a unit. Only fluid milk, non-fat and/or one percent (1%) low-fat milkshakes and bottled water may be sold as a la carte items for breakfast and lunch at any grade level.

Bad Debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable. ~~District~~ Efforts to collect bad debt shall be in accordance appropriate methods determined by the Board.

With regard to the operation of the school food service program, the Superintendent shall require the:

- A. maintenance of sanitary, neat premises free from fire and health hazards;
- B. preparation of food that complies with Federal food safety regulations;
- C. the planning and execution of menus in compliance with USDA requirements;

- ~~4.~~ purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (~~see Policy 1130, Policy 3113, Policy 3214, Policy 4113, Policy 4214, Policy 6460 and Policy 6320~~)
- E. complying with food holds and recalls in accordance with USDA regulations;
- F. administration, accounting and disposition of food service funds pursuant to Federal and State law and USDA regulations;
- G. safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;
- H. regular maintenance and replacement of equipment; and
- ~~4.~~ all District Board employees whose salaries are paid for with USDA funds or non-Federal funds used to meet a match or cost share requirement must comply with the District's time and effort record-keeping policy (~~See Policy 6116—Time and Effort Reporting~~).

In accordance with the nutritional standards adopted by the Board, the placement of vending machines in any classroom where students are provided instruction, unless the classroom is also used to serve meals to students, is prohibited.

The ~~District Board~~ shall serve only nutritious food in accordance with the nutritional standards adopted by the Board in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages in competition with the ~~District's Board's~~ food-service program must comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with ~~Board this~~ Policy 8510.01 and Policy 8550. ~~The only exception is as per WV Code 18-2-6a where a District may permit the sale of healthy beverages and soft drinks in high schools.~~

The Board ~~will~~ shall permit the sale of soft drinks and healthy beverages in District County high schools except during breakfast and lunch periods. Those high schools which permit the sale of soft drinks through vending machines also shall offer for sale healthy beverages. Of the total beverages offered for sale, at least fifty percent (50%) shall be healthy beverages. Vending machines containing healthy beverages shall be in the same location or substantially similar location as vending machines containing soft drinks. The sale of such soft drinks shall be in compliance with the rules of the National School Lunch Program and the School Breakfast Program of the West Virginia State Board of Education and the nutrition service of the United States Department of Agriculture. Seventy-five percent (75%) of the profits from the sale of soft drinks shall be allocated by a majority vote of the faculty senate of each school and twenty-five percent (25%) of the profits from the sale of soft drinks shall be allocated to the purchases of necessary supplies by the principal of the school.

~~Foods and beverages unassociated with the food service program may be vended in accordance with Board Policy 8540.~~

The Superintendent will require that the food service program serve foods in the schools of the District County that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report regarding the District's County's compliance with the standards at one of its regular meetings annually.

### **Nondiscrimination Statement**

The following statement applies to all programs administered by the District Board that are funded in whole or in part by the U.S. Department of Agriculture (USDA):

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal

Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

A. Mail:

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, DC 20250-9410

B. Fax:

(202) 690-7442; or

C. E-mail:

[program.intake@usda.gov](mailto:program.intake@usda.gov).

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### *Wellness*

As required by law, the Board of Education establishes the following wellness policy for Roane County Schools.

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the ~~District's~~ County's students. Furthermore, research suggests that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks, supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

Schools alone, however, cannot develop in students' healthy behaviors and habits with regard to eating and exercise. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board sets the following goals in an effort to enable students to establish good health and nutrition habits:

A. With regard to nutrition education, the ~~District Board~~ shall:

1. Nutrition education shall be included in the Health curriculum in accordance with the West Virginia State Board of Education Policy 2520.5, Health Content Standards and Objectives and where pertinent Policy 2520.13, West Virginia College- and Career-Readiness Programs of Study/Standards for Career and Technical Education, so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.
2. Nutrition education shall be integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.
3. Nutrition education standards and benchmarks shall be age-appropriate and culturally relevant.
4. Nutrition education shall reinforce lifelong balance by emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate.
5. Nutrition education standards and benchmarks promote the benefits of a balanced diet that includes fruits, vegetables, whole grain products, and low-fat and fat-free dairy products.

B. With regard to physical activity, the District County shall require:

1. Physical Education

- a. All students in grades K-5, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive instruction in physical education for at least thirty (30) minutes, three (3) days per week. Physical activity in the form of recess or informal physical activity will be provided for no fewer than thirty (30) minutes daily for all students
- b. All students in grades 6-8, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive at least one (1) full period of instruction in physical education each school day of one (1) semester of the school year, including physical exercise and age appropriate physical activities, and shall have the opportunity to enroll in an elective lifetime physical education course.
- c. All students in grades 9-12, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive at least one (1) full course of instruction in physical education, including physical exercise and age appropriate physical activities, and shall have the opportunity to enroll in an elective lifetime physical education course.
- d. A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the content and objectives established by West Virginia State Board of Education policy 2520.6 and also in accordance with West Virginia State Board of Education policy 2510.
- e. The physical education curriculum shall provide sequential instruction related to the knowledge, attitudes, and skills necessary to participate in lifelong, health-enhancing physical activity.
- f. Physical education classes shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate motor skills and social skills, as well as knowledge.
- g. The sequential, comprehensive physical education curriculum shall stress the importance of remaining physically active for life.
- h. The sequential, comprehensive physical education curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.
- i. Planned instruction in physical education shall be sufficient for students to achieve a proficient level with regard to the standards and benchmarks established by the State.
- j. The K-12 program shall include instruction in physical education as well as opportunities to participate in competitive and non-competitive team sports to encourage lifelong physical activity.
- k. Planned instruction in physical education shall require students to be engaged in moderate to vigorous physical activity for at least fifty percent (50%) of scheduled class time.
- l. Properly certificated, highly qualified teachers shall provide all instruction in physical education.
- m. Planned instruction in physical education shall teach cooperation, fair play, and responsible participation.
- n. Planned instruction in physical education shall meet the needs of all students, including those who are not athletically gifted.
- o. Planned instruction in physical education shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, or harassment of any kind.

- p. Planned instruction in physical education shall include cooperative as well as competitive games.
  - q. Planned instruction in physical education shall take into account gender and cultural differences.
  - r. Planned instruction in physical education shall promote participation in physical activity outside the regular school day.
- 2. Physical Activity
  - a. Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day.
  - b. Schools shall encourage families to provide physical activity outside the regular school day, such as outdoor play at home, participation in sports sponsored by community agencies or organizations, and in lifelong physical activities like bowling, swimming, or tennis.
  - c. The school shall encourage families and community organizations to institute programs that support physical activity of all sorts.
  - d. In addition to planned physical education, the school shall provide age-appropriate physical activities (e.g., recess during the school day, intramurals and clubs before and after school, and interscholastic sports) that meet the needs of all students, including males, females, students with disabilities, and students with special healthcare needs.
- C. With regard to other school-based activities, the County shall **require**:
  - 1. The schools shall schedule mealtimes so there is minimum disruption by bus schedules, recess, and other special programs or events.
  - 2. The school shall provide attractive, clean environments in which the students eat.
  - 3. The schools may provide opportunities for staff, parents, and other community members to model healthy eating habits by dining with students in the school dining areas.
  - 4. The schools may demonstrate support for the health of all students by hosting health clinics and screenings and encouraging parents to enroll their eligible children in Medicaid or in other children's health insurance programs for which they may qualify.
  - 5. Schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.
- D. With regard to nutrition promotion, any foods and beverages marketed or promoted to students on the school campus, during the school day, will meet or exceed the USDA Smart Snacks in School nutrition standards.

Furthermore, with the objectives of enhancing student health and well-being, and reducing childhood obesity, the following guidelines are established:

- A. In accordance with this Policy ~~8500, entitled Food Service~~, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages as well as to the fiscal management of the program.
- B. As set forth in this Policy ~~8531, entitled Free and Reduced Price Meals~~, the guidelines for reimbursable school meals meet or exceed the regulations issued by the U.S. Department of Agriculture (USDA).
- C. The ~~District Board~~ shall comply with Child Nutrition Standards in accordance with this Policy ~~8510.01~~ and West Virginia Board Policy 4321.1.
- D. All food items and beverages available for sale to students for consumption on the school campus (any area of property under the jurisdiction of the school that is accessible to students during the school day) between midnight and thirty (30) minutes after the close of the regular school day shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, including, but not limited to, competitive foods that are available to students a la carte or as entrees in the dining area (except entree items that were offered on the National School Lunch Program (NSLP) or School Breakfast Program (SBP) menu on the day of and the day after they are offered on the

NSLP or SBP menu), as well as food items and beverages from vending machines, from school stores, or as fund-raisers, including those operated by student clubs and organizations, parent groups, or boosters clubs.

- E. All foods offered on the school campus during the school day shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as classroom snacks, or from vending machines. In addition to caffeine, the sale, service, or distribution of any foods or beverages containing non-nutritive/artificial sweeteners is prohibited.
- F. All food and beverages that are provided, other than through sale, on the school campus during the school day (which may include for classroom parties and at holiday celebrations) shall comply with the current USDA Dietary Guidelines for Americans.
- G. All foods available on campus during the school day shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as well as foods that are served as classroom snacks, from vending machines, for fund raisers, for classroom parties, at holiday celebrations, at concession stands, or at any school-related event.
- H. The food service program shall be administered by qualified nutrition professional.
- I. All food service personnel shall receive pre-service training in food service operations.
- J. Continuing professional development shall be provided for all staff of the food service program.

The Board designates the Superintendent as the individual charged with operational responsibility for measuring and evaluating the County's implementation and progress under this policy. The Superintendent shall develop administrative guidelines necessary to implement this policy.

The Superintendent shall appoint a ~~District~~ County-wide Wellness Committee that includes parents, students, representatives of the school food authority, educational staff (including health and physical education teachers), mental health and social services staff, school health professionals, members of the public, and school administrators to oversee development, implementation, evaluation and periodic update of this policy. The Wellness Committee shall be an ad hoc committee with members recruited and appointed annually.

The Wellness Committee shall be responsible for:

- A. assessment of the current school environment;
- B. review of the ~~District's~~ Board's Wellness policy;
- C. presentation of the Wellness policy to the Board for approval;
- D. measurement of the implementation of the policy; and
- E. recommendation for the revision of the policy, if necessary.

Before the end of each school year, the Wellness Committee shall recommend to the Superintendent any revisions to the policy it deems necessary and/or appropriate. In its review, the Wellness Committee shall consider evidence-based strategies in determining its recommendations.

The Superintendent shall report annually to the Board on the Wellness Committee's progress and on its evaluation of the policy's implementation and areas for improvement, including status of compliance by individual schools and progress made in attaining the policy's goals.

Body mass index measures shall be used as an indicator of progress toward promoting healthy lifestyles among students. Body mass index measures shall be included in kindergarten screening procedures. Students in grades four through eight and students enrolled in high school education courses shall have their body mass index measured through required fitness testing procedures. Body mass index measures shall be reported to the ~~State~~ West Virginia Department of Education via the West Virginia Education Information System.

The Superintendent is also responsible for informing the public, including parents, students and community members, on the content and implementation of this policy. In order to inform the public, the Superintendent shall post the policy on the ~~District's~~ County's website, including the Wellness Committee's assessment of the policy's implementation.

The ~~District Board~~ shall assess the Wellness Policy at least once every three (3) years on the extent to which schools in the ~~District Board~~ are in compliance with the ~~District Board~~ policy, the extent to which the ~~District Board~~ policy compares to model wellness policies, and the progress made in attaining the goals of the ~~District County~~ Wellness Policy. The assessment shall be made available to the public on the ~~School District's~~ County's web site.

### *Child Nutrition Standards*

Good nutrition enhances learning and the quality of life. The purpose of this policy is to ensure a school environment that promotes optimal nutrition for students.

### *Operational Definitions*

- A. "Bottled water" or "Water" is defined as plain natural water with or without carbonation and containing no additives.
- B. "Beverages" and allowable limits will be determined and defined by USDA Smart Snacks guidelines, with the exception of caffeine. Caffeine is prohibited from being sold, served, or distributed in West Virginia public schools.
- C. "Child Nutrition Director" is defined as the person responsible for administering, planning, directing, assessing, implementing, and evaluating child nutrition programs in order to meet the nutritional and educational needs of students, as they relate to the child nutrition program; may also be titled as "Food Service Director" or "School Nutrition Director."
- D. "Competitive Foods" is defined as any food item that is sold in competition to the reimbursable school meal. Elementary school, for purposes of this rule, is defined as a school serving any students in grades pre-kindergarten up to and including grade four.
- E. "Food Service Area" is defined as any area on school premises where reimbursable meals are served and/or consumed by students.
- F. "School Day" for nutritional purposes, is defined by USDA guidelines as the period from midnight before to thirty (30) minutes after the official school day.
- G. "School Campus" is defined as a collection of buildings and grounds that belong to a given academic institution. Full-time is defined as a twelve (12) month employment period with exclusive nutrition program responsibilities.

### *Nutrition Standards for Child Nutrition Programs*

Nutrition standards for federally-funded school and child nutrition programs are determined at the federal level. The WVDE is responsible for technical assistance and compliance monitoring related to program implementation at the local level.

### *Nutrition Standards for Competitive Foods and Beverages.*

- A. The Smart Snacks in School nutrition standards apply to any foods sold to students during the school day on the school campus, including foods sold as fundraisers. Foods that do not meet these Federal standards cannot be sold to students on the school campus during the school day. Standards do not apply during non-school hours, on weekends, and at off school campus fundraising events, ~~though local wellness policies may still apply.~~ These standards apply to foods sold outside the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). ~~The only exception is as per WV Code 18-2-6a where a District Board may permit the sale of healthy beverages and soft drinks in high schools.~~
- B. Food and beverage contracts must comply with West Virginia State Board of Education policy 8200, Purchasing Policies and Procedures Manual for Local Educational Agencies. Except for foods served in the school nutrition



programs, no food shall be sold, served or distributed to students in elementary schools from the time the first child arrives until twenty (20) minutes after all students are served lunch.

- C. Except for foods served in the school nutrition programs, no food shall be sold, served or distributed to students on elementary school campuses from the time the first child arrives until twenty (20) minutes after all students are served lunch.
- D. Food and beverages may not be sold, served or distributed in competition with the Federal child nutrition programs in school campus food service areas during the meal service periods.
- E. In addition to caffeine, the sale, service, or distribution of any foods or beverages containing non-nutritive/artificial sweeteners is prohibited.

### **A la Carte Sales**

To operate school-based nutrition programs as efficiently as possible, while maximizing federal reimbursement and minimizing the overall cost to the county, all meals must be priced and served as a unit. Only fluid milk and bottled water may be sold as a la carte items for breakfast and lunch at any grade level.

### **Availability of Drinking Water**

Schools participating in the NSLP must make potable water available to children at no charge where meals are served during the meal service. Schools shall make available water throughout the school day at no charge.

### **Adequate Time for Meal Consumption**

Adequate time is necessary for student meal consumption. Each student shall be allowed a minimum of ten (10) minutes for breakfast and twenty (20) minutes for lunch after the student received the meal.

### **Staffing**

~~Each~~ The Superintendent shall designate a School Nutrition Program Director according to the criteria listed in West Virginia Board of Education Policy 4321.1. ~~below. The school nutrition director must hold an authorization endorsed as school nutrition program director that is approved and issued by the WVDE. The School Nutrition Director is directly responsible for the management of the day-to-day operations of food service for all participating schools under the jurisdiction of the school.~~

~~The applicant for licensure must provide evidence of satisfying the following:~~

- ~~A. at a minimum, hold a bachelor's degree and a minimum 2.5 overall GPA including six (6) semester hours of coursework related to nutrition, food, and/or food service management or WVDE approved training as provided by the OCN. The six (6) semester hours or approved training must be completed within ninety (90) days of the start date. The applicant for licensure must also provide evidence of at least eight (8) hours of food safety training obtained no more than five years prior to or within thirty (30) days of start date.~~
- ~~B. Receive the recommendation of the Superintendent verifying that the applicant is the most qualified candidate for the position.~~

~~The Temporary Authorization for School Nutrition Directory shall be valid for three (3) school years.~~

~~The applicant for renewal of the Temporary Authorization for School Nutrition Program Director must provide evidence of satisfying the following:——~~

- ~~A. completion of twelve (12) clock hours of job specific training each year related to child nutrition programs;~~
- ~~B. must maintain a valid food safety certification while employed in the school meal program.~~

### **Wellness Policy**

The Board must establish a local wellness policy for all schools participating in the NSLP and/or SBP under the jurisdiction of the Board. The District wellness policy is a Federal requirement that must include methods to promote

~~student wellness, prevent and reduce childhood obesity, and provide assurance that school meals and other foods and beverages sold and otherwise made available on the school campus during the school day are consistent with applicable Federal and State standards. The policy must include specific goals for nutrition promotion and education, physical activity, and other school-based activities that are designed to promote student wellness; standards and nutrition guidelines for all foods and beverages sold to students on the school campus during the school day that are consistent with Federal regulations; standards for all foods and beverages provided, but not sold to students during the school day; policies for food and beverage marketing that allow marketing and advertising of only those foods and beverages that meet Federal nutrition standards; and, a description of the public involvement, public updates, policy leadership, and evaluation plan. Provisions in the final Federal rule regulate that the Board must establish wellness policy leadership to the Superintendent who have the authority and responsibility to ensure each school complies with the policy. The District and each school participating in the NSLP and/or SBP will inform the public about the content and implementation of the local school wellness policy. At a minimum, the Board must permit participation by the general public and the school community (including parents, students, and representatives of the school food authorities, teachers of physical education, school health professionals, the school board and school administrators) in the wellness policy process. The final rule requires State agencies to assess compliance with the wellness policy requirements as part of the general areas of the administrative review every three (3) years. The Board must conduct an assessment of the wellness policy every three (3) years, at a minimum. This assessment will determine compliance with the wellness policy, how the wellness policy compares to model wellness policies, and progress made in attaining the goals of the wellness policy. The USDA does not specify the frequency of updates to the local school wellness policy, as the need to update will vary based upon the content and structure of the Board's policy.~~

### **Special Dietary Considerations and Food Allergies**

- A. Special care and consideration must be taken regarding any and all scenarios where students with special dietary needs and food allergies are present.
- B. Only a parent, guardian, or designee for the parent/guardian as provided in writing to the school, may deliver outside foods and beverages to their own student at school. This does not apply to food that is provided for a special event inclusive of all students in the class.
- C. The wellness policy set and maintained at by the District Board is a Federal requirement. Snacks provided to students during the school day will meet standards set by the District Board in accordance with its wellness policy. If the District Board chooses to allow outside foods to be made available for the general student population, it will communicate with parents/guardians acceptable foods and beverages that meet nutrition and safety standards for classroom snacks and celebrations. Students with special dietary needs and food allergies must be considered at all times when outside foods are provided in a general setting. Schools should operate with the utmost care and caution when allowing outside foods to be provided to students. The District Board must use its wellness policy to identify its plan to accommodate students with special dietary needs and food allergies when choosing to allow outside snacks to be provided. School health teams can serve as resources.
- D. Students with disabilities who have chronic conditions, including but not limited to asthma, diabetes, gastrointestinal disorders, cardiac disorders, and known food allergies are eligible for an Individualized Health Care Plan (IHCP) developed by the certified school nurse; a Section 504 Plan; or an Individualized Education Program (IEP) inclusive of a Medical Statement for Special Dietary Needs.
- E. As directed in West Virginia State Board of Education policy 2422.8, all schools are required to report any reactions resulting in the administration of epinephrine injections and administration of naloxone in the District County. Other food safety concerns including contaminants such as drugs, chemicals, microorganisms and unknown substances, allergic reactions, medication incidents, etc. shall also be reported. The incidents shall be reported to the West Virginia Poison Center by calling 1-800-222-1222 after emergency medical services has transported the student or staff member to acute care. The notification should include the name of the student, the student's age and gender, date and the approximate time the incident occurred, symptoms observed, who administered the injection, the name of the school the student attends, a contact telephone number, if appropriate the rationale for administering the injection, the response to the epinephrine administration, the

dose or epinephrine administered, and any other necessary elements to provide a complete report for the individual situation. The West Virginia Poison Center will provide the expertise during a potential concern, and will work collaboratively with schools and parents/guardians and provide data upon request to the public schools, local boards of education, and annually to the State Superintendent of Schools.

### **Accountability and Compliance**

As required by the Healthy and Hunger-Free Kids Act of 2010, the administrative review process in the NSLP and SBP has been established to utilize a unified accountability system designed to ensure that school food authorities offering school meals comply with program requirements. Additionally, this act requires state agencies to publicly disclose a summary of the administrative review results. These elements are expected to strengthen program integrity through a more robust, effective, and transparent process for monitoring school nutrition programs.

### **Feed to Achieve – Innovation Breakfast Delivery Strategies**

The Board shall establish and operate school nutrition programs under which, at a minimum, a nutritious breakfast and lunch are made available to all students enrolled in the schools of the ~~District~~ County in accordance with WVBE standards. All schools are required to collaborate with the OCN to develop strategies and methods to increase the percentage of students participating in the school breakfast and lunch nutrition programs and adopt a delivery system approved by the OCN to ensure that all students are given an opportunity to eat breakfast. These approved systems shall include, but are not limited to: Grab-and-Go Breakfasts, Breakfast in the Classroom, or Breakfast After First Period.

### **Rewards and Penalties**

The ~~District Board~~ and its schools are prohibited from penalizing students due to unpaid and/or outstanding meal debt. This includes, but is not limited to: denial of meals, prohibition of participating in extra-curricular activities, the denial of participation in graduation, and/or the refusal of transcript requests. Students shall not be denied a meal or served an alternative meal as a result of unpaid meal debt. All communication addressing financial matters shall be directed to parents/guardians. Practices, including but not limited to, putting stickers or wristbands on children to remind parents/guardians to pay unpaid fees are prohibited. Schools are prohibited from identifying or stigmatizing students with meal debt or require them to complete chores or work in exchange for meals.

Food and beverages shall not be offered as a reward and/or used as a means of punishment or disciplinary action for any student during the school day.

### *Free and Reduced-Price Meals*

The Board of Education recognizes the importance of good nutrition to each student's educational performance.

The Board shall provide needy children the opportunity for a breakfast and lunch at a reduced rate or at no charge.

Children, eligible for free or reduced-price meals, shall be determined by the criteria established by the Child Nutrition Act and National School Lunch Act. These criteria are issued annually by the Federal government through the State Department of Education.

The Board designates the ~~local School Administrator and Coordinator of Food Services~~ School Nutrition Program Director to determine in accordance with USDA Guidelines standards, the eligibility of students for free and reduced-price meals.

The schools shall annually notify all families of the availability, eligibility requirements, and application procedure for free and reduced-price meals by distributing an application to the family of each student enrolled in the school and shall seek out and apply for such Federal, State, and local funds as may be applied to the ~~District's~~ County's program of free and reduced-price meals.

The Superintendent shall prepare and implement the necessary arrangements and guidelines to ensure proper operation of this program. S/He shall ensure that, by September 1st, the appropriate policy statement (WVDE 43-10-11), Annual School Information for the School Lunch, School Breakfast and Special Milk Program, and Criteria for

Determination or Severe Need Schools School Breakfast Program are properly completed and submitted for approval to the Office of Child Nutrition, ~~Division of Administrative Services~~, of the State West Virginia Department of Education.

Additionally, the Superintendent shall ensure that the following appropriate claims and reports are timely filed:

- ~~A. by the 10th of each month; monthly Claim for Reimbursement (WVDE 43-10-30) (tenth of the month following the monthly period being claimed)~~
- ~~B. by August 28th; biannually: approved Wellness Policy received with any current revisions (OCN Guidance Memo 86-12)~~
- ~~C. by September 10th: Annual Agreement Information Update (WVDE ADM-119); Memorandum of Understanding and Site Information for School Breakfast, Lunch, Snack, CACFP, SFSP and Special Milk Programs (WVDE ADM-04)~~
- ~~D. by October 1st: annually, written evaluation detailing progress made and identifying improvement in the goal areas (OCM Guidance Memo 86-12)~~
- ~~E. by October 15th, January 14th, April 15th, and July 15th: Quarterly Financial Report (WVDE ADM-30) or 43-10-31) or F Master~~
- ~~F. by September 30th: Annual Report (WVDE ADM-119 or 43-10-32)~~
- ~~G. by October 1st: Verification. Draw sample based on the number of free/reduced price meal applications on file October 1st~~
- ~~H. by October 31st: Civil Rights Information (SFA racial, ethnic data to be maintained on file at respective SFA)~~
- ~~I. November 15th, February 15th: Verification follow-up activity for non-respondents who reapply. Record results of follow-up activity on the Verification Data Collection Sheet, number 12~~
- ~~J. November 30th: Notify WVDE of Verification Extension~~
- ~~K. by November 15th: Complete verification Process~~
- ~~L. by February 1st: Complete SFA site monitoring~~
- ~~M. March 1st: submit electronic file, Form FNS-742, and one signed copy of the Verification Data Collection Sheet~~
- ~~N. by April 15th: Food Service Budget Worksheet and Summary Report~~

unless extensions or deadline changes are imposed by the West Virginia Department of Education.

### *Vending Machines*

The Board of Education recognizes that vending machines can produce revenues which are useful to augment programs and services to students and staff. It will, therefore, authorize such use in ~~District~~ County facilities.

The school may stock the machines and remove the sales proceeds. Procedures at each school must be established to ensure that the stock is safeguarded and that all proceeds are receipted and deposited into the appropriate depository accounts.

It is the responsibility of the school principal to control vending machines and what products are placed in them. School personnel should obtain analysis information from vendors upon which the decisions are made.

~~Food items and beverages available for sale to students in vending machines for consumption on the school campus during the school day shall comply with the current USDA Dietary Guidelines for Americans, the USDA Smart Snacks in School nutrition standards, WV Code and West Virginia State Board of Education policy 4321.1. "Campus" is defined as a collection of buildings and grounds that belong to a given academic institution. "School day", for nutritional purposes, is defined by USDA guidelines as the period from midnight before, to thirty (30) minutes after the end of the school day.~~

~~Foods and beverages may not be sold, served, or distributed in competition with the Federal child nutrition programs in school campus food service areas during the meal service periods.~~

~~In addition to caffeine, the sale, service, or distribution of any foods or beverages containing non-nutritive/artificial sweeteners is prohibited.~~

~~Except for foods served in the school nutrition programs, no food shall be sold, served or distributed in elementary schools from the time the first child arrives until twenty (20) minutes after all students are served lunch. Wherever and whenever foods are sold or otherwise offered on school premises both during and outside the school day, such foods should include nutritious choices.~~

Acceptable vended food items may be sold if nutritional validation is on file at the school. Validation may be in the form of a laboratory analysis of a specific item and shall be written on vending company letterhead and signed by an authorized company official. If nutritional labels are used as documentation, the school must provide access to that information at the time of review. Refer to <https://foodplanner.healthiergeneration.org/products> to see if the product has been approved by the USDA or enter information from the food or beverage into the Alliance for a Healthier Generation's Smart Snacks Product Calculator <https://foodplanner.healthiergeneration.org/calculator>.

~~Soft drinks may be vended, but are discouraged, in high schools during the school day except during breakfast and lunch periods. Seventy five percent (75%) of the profits from the sale of soft drinks shall be allocated by a majority vote of the faculty senate of each school and twenty-five percent (25%) of the profits from the sale of soft drinks shall be allocated to the purchase of necessary supplies by the principal of the school.~~

Soft drinks may not be vended during the school day.

All proceeds from vending machine sales are to be receipted and deposited into the appropriate school fund and account. Merchandise purchased for resale is to be purchased by check issued for that purpose. The purchase invoices are to be retained as documentation for the disbursements.

Periodically, a profit and loss statement, ~~Form 8540-F1~~ is to be prepared to compare actual sales proceeds to the expected sales totals that should have been recognized from the amount of merchandise sold.

The Superintendent shall develop ~~and implement~~ administrative guidelines which will ensure these conditions are adhered to on a continuing basis.

#### *Competitive Food Sales*

~~The Food and Nutrition Services Department will comply with the provisions set forth in Federal law regarding sale of competitive food and foods of minimal nutritional value.~~

~~As per West Virginia State Board of Education policy 4321.1, except for foods served in the school nutrition programs, no food shall be sold, served or distributed to students on elementary school campuses from the time the first child arrives until twenty (20) minutes after all students are served lunch.~~

The Food and Nutrition Services Department shall be the sole provider of food and beverage items sold in all schools until twenty (20) minutes following the last lunch period, at which time other school organizations may begin to sell foods and beverage items in accordance with the Board's food service policies (Policy 8500 and Policy 8510.01) and guideline (AG 8500) and with the Principal's approval. All food items and beverages sold to students that will be consumed on the school campus (any area of property under the jurisdiction of the school that is accessible to students during the school day) during the school day (the period from the midnight before, to thirty (30) minutes after the end of the official school day) shall comply with the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards and WV Code 18-2-6.

~~In addition to caffeine, the sale, service, or distribution of any foods or beverages containing non-nutritive/artificial sweeteners is prohibited.~~