

AMENDED IN SENATE APRIL 20, 2005

SENATE BILL

No. 567

Introduced by Senator Torlakson

February 18, 2005

~~An act to amend Section 49533 of the Education Code, relating to pupil health.~~ *An act to add Section 49535 to the Education Code, relating to pupil wellness.*

LEGISLATIVE COUNSEL'S DIGEST

SB 567, as amended, Torlakson. Education: child nutrition.

Existing law ~~provides for the appointment by the State Board of Education of a 13-member Child Nutrition Advisory Council to recommend plans and guidelines for school and child care meal service and nutrition education programs, the Child Nutrition Act of 1974, among other things, requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and for all food and beverages sold at food sites, as specified. Existing law specifies the types of individuals who should be appointed to the council.~~

~~This bill would increase the membership of the council from two members from 13 to 15. This bill would specify that the two new members be a school business official and a physical education and activity specialist. This bill would also make technical, nonsubstantive changes to existing law require local educational agencies who participate in specified federal school lunch programs to establish and implement a local school wellness policy, as specified. This bill would require local educational agencies that are subject to this requirement to designate one or more persons, as specified, to establish a plan for measuring compliance of the wellness policy with~~

federal requirements and for ensuring compliance of each school with the wellness policy.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 49533 of the Education Code is~~
2 ~~amended to read:~~
3 *SECTION 1. (a) The Legislature finds and declares all of the*
4 *following:*
5 *(1) The incidence of childhood obesity caused by poor*
6 *nutrition and inactivity is reaching epidemic levels.*
7 *(2) Overweight children and youth are currently developing*
8 *serious health problems and will likely face worse health*
9 *problems in the future.*
10 *(3) Schools play a critical role in creating a healthy*
11 *environment for the prevention of childhood obesity.*
12 *(4) Creating a healthy school environment can combat*
13 *problems associated with poor nutrition and lack of physical*
14 *activity.*
15 *(5) Significant responsibility for the development of healthy*
16 *school environments can be placed at the local level, allowing*
17 *the individual needs of each school district to be addressed.*
18 *(6) No provision exists in the Education Code requiring public*
19 *schools to ensure a healthy school environment.*
20 *(7) A healthy school environment begins with a strong,*
21 *comprehensive school district policy that promotes the health*
22 *and wellness of pupils.*
23 *(8) The Child Nutrition and WIC Reauthorization Act of 2004*
24 *(P.L. 108-265) requires each local education agency*
25 *participating in a program authorized by the Richard B. Russell*
26 *National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child*
27 *Nutrition Act of 1996 (42 U.S.C. 1771) to establish a local school*
28 *wellness policy for schools within the jurisdiction of the agency*
29 *that includes, at a minimum, all of the following:*
30 *(A) Goals for nutrition education, physical activity, and other*
31 *school-based activities that are designed to promote pupil*
32 *wellness in a manner that the local educational agency*
33 *determines is appropriate.*

1 (B) Nutrition guidelines selected by the local education agency
2 for all foods available during the school day on each school
3 campus within the jurisdiction of the agency with the objective of
4 promoting pupil health and reducing childhood obesity.

5 (C) Assurances that guidelines for reimbursable school meals
6 will not be less restrictive than the regulations and guidance
7 issued by the U.S. Secretary of Agriculture pursuant to
8 subdivisions (a) and (b) of Section 10 of the Child Nutrition Act
9 of 1966 (42 U.S.C. 1779) and Sections 9 and 17 of the Richard B.
10 Russell National School Lunch Act (42 U.S.C. 1758(f)(1),
11 1766(a)), insofar as those provisions apply to schools.

12 (D) A plan for measuring implementation of the policy,
13 including designation of one or more persons within the local
14 educational agency or at each school, as appropriate, charged
15 with operational responsibility for ensuring that the school meets
16 the requirements of the policy.

17 (E) Guidelines for the involvement of parents, pupils,
18 representatives of the school food authority, the school board,
19 school administrators, and the public in the development of the
20 policy.

21 (b) Recognizing that a local school wellness policy is essential
22 to the health and well-being of California's children, it is the
23 intent of the Legislature in this act to codify the requirements of
24 the Child Nutrition and WIC Reauthorization Act of 2004 (P.L.
25 108-265).

26 SEC. 2. Section 49535 is added to the Education Code, to
27 read:

28 49535. (a) Each local educational agency participating in a
29 program authorized by the Richard B. Russell National School
30 Lunch Act (42 U.S.C. et seq.) or the Child Nutrition Act of 1966
31 (42 U.S.C. 1771 et seq.) shall establish and implement a local
32 school wellness policy that does all of the following:

33 (1) Meets all applicable federal requirements, including, but
34 not limited to, the requirements contained in Section 204 of the
35 Child Nutrition and WIC Reauthorization Act of 2004 (P.L.
36 108-265).

37 (2) Ensures that reimbursable school meals meet federal
38 program requirements and policies, including those contained in
39 Parts 210 and 220 of Title 7 of the Code of Federal Regulations.

1 (3) *Establishes nutrition standards for all foods and beverages*
2 *sold or served to pupils, including those items that are available*
3 *outside of the school meal programs.*

4 (4) *Involves parents, pupils, representatives of the school food*
5 *authority, the school district governing board, school*
6 *administrators, school nurses, health and physical education*
7 *teachers, and community members in the development of the*
8 *wellness policy.*

9 (b) *In developing a wellness policy, local educational agencies*
10 *are encouraged to do all of the following:*

11 (1) *Address coordinated school health, as described in the*
12 *most recent Health Framework for California Public Schools*
13 *prepared by the State Department of Education, including the*
14 *following components:*

15 (A) *Health education.*

16 (B) *Physical education.*

17 (C) *Health services.*

18 (D) *Nutrition services.*

19 (E) *Psychological and counseling services.*

20 (F) *Health promotion for staff.*

21 (G) *A safe and healthy school environment.*

22 (H) *Parent and community involvement.*

23 (2) *Establish a school health council that includes one*
24 *representative for each of the eight components listed in*
25 *subparagraphs (A) to (H), inclusive, of paragraph (1), and other*
26 *members as necessary to develop and implement the wellness*
27 *policy.*

28 (3) *Support high quality instruction in health and physical*
29 *education, pursuant to the most recent editions the Health*
30 *Framework for California Public Schools and the Physical*
31 *Education Framework for California Public Schools prepared by*
32 *the State Department of Education, and pursuant to Sections*
33 *51210 to 51210.4, inclusive, 51220, 51222, 51223, 51225.3,*
34 *51881, 51881.5, 51890, and 51891.*

35 (c) *Each local educational agency specified in subdivision (a)*
36 *shall designate one or more persons from the agency or from*
37 *each school within the jurisdiction of the agency, as appropriate,*
38 *to be charged with operational responsibility for ensuring the*
39 *compliance of each school with the wellness policy.*

1 ~~49533. A Child Nutrition and Physical Activity Advisory~~
2 ~~Council composed of 15 members, shall be established to~~
3 ~~recommend plans and guidelines for school and child care meal~~
4 ~~service and nutrition education programs. The members of the~~
5 ~~council shall be appointed by the State Board of Education and~~
6 ~~shall include one member of the department, one school~~
7 ~~administrator, one school board member, one school food service~~
8 ~~director, one school food service supervisor or manager, one~~
9 ~~classroom teacher, one curriculum coordinator, one school~~
10 ~~business official, one nutrition education specialist, one physical~~
11 ~~education and activity specialist, one lay person, one child care~~
12 ~~food program sponsor, one secondary high school pupil, one~~
13 ~~representative from a recognized parent-teacher organization, and~~
14 ~~a qualified consultant specializing in nutrition, education, child~~
15 ~~care, or health and welfare.~~

16 ~~The members of the council shall serve for a term of three~~
17 ~~years, except the pupil representative, who shall serve a one year~~
18 ~~term. Council members shall serve without pay but shall be~~
19 ~~reimbursed for authorized travel costs according to established~~
20 ~~department procedures.~~