

AMENDED IN SENATE MAY 25, 2005
AMENDED IN SENATE APRIL 20, 2005

SENATE BILL

No. 567

Introduced by Senator Torlakson

February 18, 2005

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.~~ *Pupil nutrition: school wellness policy.*

Existing law, the *federal* Child Nutrition Act of ~~1974~~ 1966, 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.

This bill would require local educational agencies ~~who~~ *that* 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 be charged with operational responsibility~~ for ensuring *the* 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. (a) The Legislature finds and declares all of the
2 following:

1 (1) The incidence of childhood obesity caused by poor
2 nutrition and inactivity is reaching epidemic levels.

3 (2) Overweight children and youth are currently developing
4 serious health problems and will likely face worse health
5 problems in the future.

6 (3) Schools play a critical role in creating a healthy
7 environment for the prevention of childhood obesity.

8 (4) Creating a healthy school environment can combat
9 problems associated with poor nutrition and lack of physical
10 activity.

11 (5) Significant responsibility for the development of healthy
12 school environments can be placed at the local level, allowing the
13 individual needs of each school district to be addressed.

14 (6) No provision exists in the Education Code requiring public
15 schools to ensure a healthy school environment.

16 (7) A healthy school environment begins with a strong,
17 comprehensive school district policy that promotes the health and
18 wellness of pupils.

19 (8) The *federal* Child Nutrition and WIC Reauthorization Act
20 of 2004 (P.L. 108–265) requires each local-~~education~~ *educational*
21 agency participating in a program authorized by the *federal*
22 Richard B. Russell National School Lunch Act (42 U.S.C. *Sec.*
23 1751 et seq.) or the *federal* Child Nutrition Act of ~~1996~~ 1966 (42
24 U.S.C. *Sec.* 1771) to establish a local school wellness policy for
25 schools within the jurisdiction of the agency that includes, at a
26 minimum, all of the following:

27 (A) Goals for nutrition education, physical activity, and other
28 school-based activities that are designed to promote pupil
29 wellness in a manner that the local educational agency
30 determines is appropriate.

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

35 (C) Assurances that guidelines for reimbursable school meals
36 will not be less restrictive than the regulations and guidance
37 issued by the ~~U.S.~~ *United States* Secretary of Agriculture
38 pursuant to subdivisions (a) and (b) of Section 10 of the *federal*
39 Child Nutrition Act of 1966 (42 U.S.C. *Sec.* 1779) and Sections 9
40 and 17 of the *federal* Richard B. Russell National School Lunch

1 Act (42 U.S.C. *Sec.* 1758(f)(1), 1766(a)), insofar as those
2 provisions apply to schools.

3 (D) A plan for measuring implementation of the policy,
4 including designation of one or more persons within the local
5 educational agency or at each school, as appropriate, charged
6 with operational responsibility for ensuring that the school meets
7 the requirements of the policy.

8 (E) Guidelines for the involvement of parents, pupils,
9 representatives of the school food authority, the school board,
10 school administrators, and the public in the development of the
11 policy.

12 (b) Recognizing that a local school wellness policy is essential
13 to the health and well-being of California's children, it is the
14 intent of the Legislature in this act to codify the requirements of
15 the *federal* Child Nutrition and WIC Reauthorization Act of 2004
16 (P.L. 108-265).

17 SEC. 2. Section 49535 is added to the Education Code, to
18 read:

19 49535. (a) Each local educational agency participating in a
20 program authorized by the *federal* Richard B. Russell National
21 School Lunch Act (42 U.S.C. *Sec.* 1751 et seq.) or the *federal*
22 Child Nutrition Act of 1966 (42 U.S.C. *Sec.* 1771 et seq.) shall
23 establish and implement a local school wellness policy that does
24 all of the following:

25 (1) Meets all applicable federal requirements, including, but
26 not limited to, the requirements contained in Section 204 of the
27 *federal* Child Nutrition and WIC Reauthorization Act of 2004
28 (P.L. 108-265).

29 (2) Ensures that reimbursable school meals meet federal *and*
30 *state* program requirements and policies, including those
31 contained in Parts 210 and 220 of Title 7 of the Code of Federal
32 Regulations.

33 (3) Establishes nutrition standards for all foods and beverages
34 sold or served to pupils, including those items that are available
35 outside of the school meal programs, *that are no less restrictive*
36 *than standards imposed by any other state law or any state or*
37 *federal regulation.*

38 (4) Involves parents, pupils, representatives of the school food
39 authority, the school district governing board, school
40 administrators, school nurses, health and physical education

1 teachers, and community members in the development of the
2 wellness policy.

3 *(5) Includes a plan for the local educational agency to*
4 *measure the implementation and effectiveness of its policy.*

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

7 (1) Address coordinated school health, as described in the
8 most recent Health Framework for California Public Schools
9 prepared by the State Department of Education, including the
10 following components:

11 (A) Health education.

12 (B) Physical education.

13 (C) Health services.

14 (D) Nutrition services.

15 (E) Psychological and counseling services.

16 (F) Health promotion for staff.

17 (G) A safe and healthy school environment.

18 (H) Parent and community involvement.

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

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

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