

AMENDED IN ASSEMBLY AUGUST 25, 2005

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. Pupil nutrition: school wellness policy.

Existing law, the federal Child Nutrition Act of 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 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 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:

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

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

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

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

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

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

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

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

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

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

37 (C) Assurances that guidelines for reimbursable school meals
38 will not be less restrictive than the regulations and guidance

1 issued by the United States Secretary of Agriculture pursuant to
2 subdivisions (a) and (b) of Section 10 of the federal Child
3 Nutrition Act of 1966 (42 U.S.C. Sec. 1779) and Sections 9 and
4 17 of the federal Richard B. Russell National School Lunch Act
5 (42 U.S.C. ~~Secs. 1758(f)(1); and 1766(a)~~), insofar as those
6 provisions apply to schools.

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

12 (E) Guidelines for the involvement of parents, pupils,
13 representatives of the school food authority, the school board,
14 school administrators, and the public in the development of the
15 policy.

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

21 SEC. 2. Section 49535 is added to the Education Code, to
22 read:

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

29 ~~(1) Meets meets all applicable federal requirements state and~~
30 ~~federal requirements and policies, including, but not limited to,~~
31 ~~the requirements contained in Section 204 (a)(1)-(5) of the~~
32 ~~federal Child Nutrition and WIC Reauthorization Act of 2004~~
33 ~~(P.L. 108-265) and Parts 210 and 220 of Title 7 of the Code of~~
34 ~~Federal Regulations.~~

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

39 ~~(3) Establishes nutrition standards for all foods and beverages~~
40 ~~sold or served to pupils, including those items that are available~~

1 outside of the school meal programs, that are no less restrictive
2 than standards imposed by any other state law or any state or
3 federal regulation.

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

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

13 *(1) Involve school nurses and health and physical education
14 teachers in the development of the wellness policy.*

15 ~~(1)~~

16 (2) Address coordinated school health, as described in the
17 most recent Health Framework for California Public Schools
18 prepared by the State Department of Education, including the
19 following components:

20 (A) Health education.

21 (B) Physical education.

22 (C) Health services.

23 (D) Nutrition services.

24 (E) Psychological and counseling services.

25 (F) Health promotion for staff.

26 (G) A safe and healthy school environment.

27 (H) Parent and community involvement.

28 ~~(2)~~

29 (3) Establish a school health council that includes one
30 representative for each of the eight components listed in
31 subparagraphs (A) to (H), inclusive, of paragraph ~~(1)~~ (2), and
32 other members as necessary to develop and implement the
33 wellness policy.

34 ~~(3)~~

35 (4) Support high quality instruction in health and physical
36 education, pursuant to the most recent editions of the Health
37 Framework for California Public Schools and the Physical
38 Education Framework for California Public Schools prepared by
39 the State Department of Education, and pursuant to Sections

1 51210 to 51210.4, inclusive, 51220, 51222, 51223, 51225.3,
2 51881, 51881.5, 51890, and 51891.

3 ~~(e) Each local educational agency specified in subdivision (a)~~
4 ~~shall designate one or more persons from the agency or from~~
5 ~~each school within the jurisdiction of the agency, as appropriate,~~
6 ~~to be charged with operational responsibility for ensuring the~~
7 ~~compliance of each school with the wellness policy.~~

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