

CHAPTER 12. STUDENTS AND STUDENT SERVICES

STUDENT RIGHTS AND RESPONSIBILITIES

STUDENT RECORDS

SERVICES TO STUDENTS

STUDENT NUTRITION

12.61. Definitions.

À la carte item – An individually priced food item provided by the school food service department which may or may not be part of the reimbursable meal.

After-school activities – Activities that occur after the regular school day.

Competitive foods and beverages – All foods and beverages that are sold, served, or given to students in the school environment in competition with reimbursable meals served through the United States Department of Agriculture National School Lunch Program, School Breakfast Program, and After-School Snack Program.

(1) This includes all foods or beverages sold or provided in:

- (a) School cafeterias as an à la carte item;
- (b) A vending machine located on school property;
- (c) Fundraisers held during school hours;
- (d) School snack bars; and
- (d) A store operated by the school, a student association, or other school-sponsored organization.

(2) The term does not apply to any food or beverage item available for sale in connection with a school-sponsored fundraiser or any other school sponsored events held outside the regular school day, including interscholastic athletic events.

(3) The term does not apply to food a student brings from home.

Food of Minimal Nutritional Value (FMNV) – Foods and beverages that are restricted by the United States Department of Agriculture (USDA) (Code of Federal Regulations 7 CFR 210.11 and Appendix B to Part 210 Definition).

Kcal – An abbreviation for Kilocalorie, commonly know as calorie. A unit of measure in the United States for energy obtained from food and beverages. A kilocalorie is equal to 1000 calories.

Nutritionally-equivalent nondairy beverage – A liquid fortified with calcium, protein, vitamins A and D, riboflavin, vitamin B12, magnesium, phosphorous, and potassium to meet the same nutritional value as a cup of milk.

Regular school day – The instructional day, including time for lunch and recess. The term does not include school-related activities or events that occur either before or after the instructional day, such as clubs, yearbook, band and choir practice, student government, drama, childcare programs, interscholastic sporting events, school plays, band concerts, or other school-related programs where parents and other adults constitute a significant portion of the audience or are selling beverages and snacks for school-related purposes.

School entity – A local public education provider such as a school district, area vocational-technical school or intermediate unit but excluding charter schools and cyber charter schools under Article XVII-A of the School Code.

Trans fat – Food items containing vegetable shortening, margarine, or any kind of partially-hydrogenated vegetable oil unless the label required on the food, pursuant to applicable federal and state law, lists the trans fat content as less than 0.5 grams per serving.

12.62. General Policies.

(a) School entities shall develop or improve school nutrition policies to include the following:

- (1) Joint Use Agreements. School entities are encouraged to establish joint use agreements with local government and community agencies to allow use of school facilities to encourage healthy eating outside of school hours as provided in 24 PS 7-706 (parks; playground; etc) and 24 PS 7-775 (Use of school buildings for other purposes; arrangements with city, borough or township).
- (2) Geographic preference. To the extent allowed under federal and state law, school entities are encouraged to procure and offer locally grown and raised food items.
- (3) School gardens. School entities are encouraged to operate school gardens or farms as appropriate for the purpose of growing fruits and vegetables to be used for educational purposes and where appropriate to be offered to students through the nutrition services meal and

snack programs. All such foods must meet appropriate safety standards.

(4) Classroom celebrations and parties.

A. Food service departments shall offer sample party menus that list foods and beverages that meet the following requirements. School entities shall encourage parents and teachers to purchase foods and beverages from this menu of items:

- i. Nutrition standards as defined in Section 12.63. An exception may be made for one food item that does not meet the standards;
- ii. Items that contain no less than two grams of fiber per serving;
- iii. Fresh, frozen, canned or dried fruits and vegetables with no added sugar; and
- iv. Water, 100% fruit juice, 1% or fat free milk, or a nutritionally equivalent nondairy beverage.

B. Schools are encouraged to combine birthday celebrations that involve food during the school day on a monthly basis.

C. Parties and celebrations may not interfere with school lunch and may begin no earlier than 30 minutes after the last meal period of the regular school day with the exception of classroom parties serving a meal in lieu of lunch.

D. If the classroom party or celebration is a meal in lieu of lunch, the food will be ordered by the food service director and qualify as a reimbursable meal.

E. Celebrations and parties involving food that are part of an educational unit or that promote a positive nutrition message are allowed and encouraged.

(5) Food and beverages used as reward, incentive or punishment. Foods and beverages may not be withheld or provided as a reward, incentive or punishment.

(6) Food marketing and advertisement. School entities shall use marketing, pricing, and nutrition education strategies that encourage the selection of foods meeting the standards as defined in Section 12.63 and combinations that result in a National School Lunch Program meal. All food and beverage advertisements and marketing must meet the nutrition standards as defined in Section 12.63. Any advertisements or marketing not meeting these standards are prohibited.

(7) Fundraising. All food fundraising items that are sold during the regular school day must meet the following criteria:

- A. Comply with the standards under 12.63;
- B. Do not contain Foods of Minimal Nutritional Value (FMNV);
- D. Be packaged in single servings and labeled with ingredients and nutrition information;
- E. Be available no earlier than 30 minutes after the last meal period of the day;
- F. Be approved by the building principal; and
- G. At the discretion of building administration, home-made or home-baked goods may be excluded from the standards under this section. Home-made or home-baked foods meeting the standards as defined in Section 12.63 are strongly recommended.

(b) Activities involving food that are part of an educational unit or that promote a positive nutrition message, including but not limited to a guest chef or a field trip to a farmers market, are allowed and encouraged.

12.63. Nutrition standards for elementary, middle, and high schools during the regular school day.

(a) School entities shall develop, expand or improve nutrition standards for foods and beverages offered during the regular school day for the following:

- (1) Water.
 - A. School entities shall provide plain, potable water throughout the school day at no cost to students.
 - B. School entities providing water available for sale shall offer it without artificial flavoring, additives, carbonation, or added sugar. Natural flavoring without any artificial or natural sweeteners is permitted.
- (2) Juice. School entities shall offer only 100% juice. The maximum size offered shall be 10 ounces.
- (3) Milk. School entities shall offer only 1% or fat free milk or nutritionally equivalent non-dairy beverages without artificial sweeteners. The maximum size offered must be no more than eight ounces containing less than or equal to 170 calories. Chocolate, strawberry, vanilla and other flavorings must be permitted.
- (4) Other Beverages. At the high school level only, school entities may also offer beverages containing a maximum of eight (8) ounces containing a maximum of 66 calories per eight (8) ounces. In all other settings, school entities may not offer beverages that do not meet the standards defined in this section.

- (5) Caffeine. All beverages must be caffeine free, with the exception of trace amounts of naturally occurring caffeine substances.
- (6) Calories. Each item offered must contain less than or equal to 200 calories except á la carte entrees which may contain calories and portions comparable to the National School Lunch Program entree item.
- (7) Fat. Each item offered must meet the following criteria:
- A. Contain less than or equal to 35% total kcal from fat;
 - B. Contain less than 10% kcal from saturated fat;
 - C. Contain less than or equal to 0.5g trans fat; and
 - D. Due to nutrient density, nuts, seeds, and cheese are exempt from fat and saturated fat standards. These items must be served in one (1) ounce serving size only.
- (8) Sugar. Each item offered must contain less than 35% of total calories from sugar, with the exception of yogurt. If yogurt is provided, it must contain less than or equal to 30 grams total sugars per eight (8) ounce portion as packaged. If added sugar is identified separately on the label, no more than 25% of calories from added sugar are allowed.
- (9) Sodium. Each item served must contain less than 230 mg of sodium per portion as packaged except á la carte entrees which may contain less than or equal to 480 mg of sodium per portion.
- (10) Whole grain. One or more whole grain items must be offered daily at all points of purchase. Examples include whole grain pretzels or crackers in vending machines.
- (11) Fruits and vegetables. Fruits and/or vegetables (dried, frozen, canned or fresh) must be offered daily at all points of purchase/ selection. Fruits and vegetables should be fresh whenever possible. Canned fruits or vegetables should be packed in natural juice, water or light syrup.
- (12) Á la carte entrees. Each á la carte entree must meet the following criteria:
- A. Contain calories and portions comparable to the National School Lunch Program entree item;
 - B. Contain less than or equal to 35% total kcal from fat;
 - C. Contain less than 10% kcal from saturated fat;
 - D. Contain less than or equal to 0.5 g trans fat;
 - E. Contain less than or equal to 35% kcal total sugars. If added sugar is identified separately on the label, then no more than 25% of the calories should be from added sugar; and

F. Contain less than 480 mg of sodium per portion as packaged.

(13) Foods of minimal nutritional value (FMNV). School entities may not offer or serve FMNV as defined by USDA.

(b) School entities with vending machines are encouraged to include refrigerated vending to accommodate fruits, vegetables, yogurts and other perishable items.

12.64. Nutrition standards for elementary and middle schools after the regular school day.

(a) School entities shall develop, expand or improve nutrition standards for competitive foods and beverages served in elementary and middle schools after the regular school day that meet the standards as defined in Section 12.63. An exception may be made for one food item that does not meet the standards.

12.65. Nutrition standards for high schools after the regular school day.

(a) School entities shall develop, expand or improve nutrition standards for competitive foods and beverages served in high schools after school that meet the standards as defined in Section 12.63. An exception may be made for one food item that does not meet the standards.

12.66. Accountability and Compliance.

(a) School entities shall comply with the standards under Section 12.63 in order to provide students with nutritious food and beverage choices that will enhance learning and promote healthy behaviors that can be maintained throughout life.

(b) Noncompliance with the rules and standards stipulated in Section 12.63 may result in the following:

- (1) Sanctions that include suspension or recovery of state and federal reimbursements;
- (2) The removal of vending privileges; and/or
- (3) The institution of a probationary period requiring an approved corrective action plan.

STUDENT PHYSICAL ACTIVITY

12.81. Definitions.

Active commuting – Modes of transportation to and from school that involve physical activity, including walking, biking, skating, and rollerblading.

Adapted physical education – Physical education programs that include guidance on how to appropriately modify physical activities, equipment, and assessments for students with a disability or chronic health condition in ways that provide them with the same instruction and opportunity to develop skills that other students receive.

Highly qualified elementary teacher – An elementary teacher as defined by section 9101(23) of the ESEA (20 U.S.C.A. § 7801(23)), as amended by the NCLB.

Highly qualified middle or secondary teacher – A middle or secondary teacher as defined by section 9101(23) of the ESEA as amended by the NCLB.

Moderate to Vigorous Physical Activity (MVPA) – Moderate activity is physical exertion equivalent in intensity to brisk walking. Vigorous activity is physical exertion that makes a person sweat and breathe hard.

Physical activity breaks – Brief opportunities for physical activity provided throughout the day such as during morning or afternoon announcements and integrating physical activity and movement during instruction.

Physical education – A planned, sequential, movement-based program of curricula and instruction that helps students develop the knowledge, attitudes, motor skills, self-management skills, and confidence needed to adopt and maintain a physically active life.

Recess – Regularly scheduled periods within the school day for supervised physical activity and play.

12.82. General Policies

(a) School entities shall develop, expand or improve policies that encourage the following:

(1) Active Commuting. Students and staff shall be encouraged and supported to safely walk or bike to and from school as often as possible. This can include safe pedestrian and bicycle routes, school siting, student transportation, helmet use, wellness policies, and policy evaluation.

A. School Siting.

- i. Policies should encourage the construction of new elementary schools within one mile of the homes of as many of their students as possible.
- ii. Policies should encourage the construction of new middle and high schools within two miles of the homes of as many of their students as possible.
- iii. Siting decisions may include a safety assessment of pedestrian and bicycle routes around the school and

campus exits to safely separate automobile and bus traffic from students walking and biking.

B. *Helmet Use.* All persons on school grounds riding a bicycle or other pedal powered vehicle should be encouraged to wear a safety helmet that meets the standards of the federal Consumer Product Safety Commission.

C. *Wellness Policy.* Each school entity is encouraged to incorporate active commuting to school in the wellness policy as a means of increasing physical activity levels. Health education and physical education curricula shall include topics of pedestrian and cyclist safety and traffic rules at appropriate grade levels. School entities are encouraged to change any existing policies that ban or discourage walking or bicycling to and from school.

(2) *Joint Use Agreements.* School entities are encouraged to establish joint use agreements with local government and community agencies to allow use of school facilities to encourage physical activity and other activities outside of school hours as provided in 24 PS 7-706 (parks; playground; etc) and 24 PS 7-775 (Use of school buildings for other purposes; arrangements with city, borough or township).

12.83. Physical Activity Practices for elementary, middle, and high schools.

(a) School entities shall develop, expand or improve physical activity practices that include the following components:

(1) *Moderate to vigorous physical activity.* School entities shall provide at least 30 minutes of moderate to vigorous physical activity daily during the regular school day.

A. Of this 30 minutes, elementary and middle schools shall provide at least 20 minutes per day of scheduled recess that includes moderate to vigorous physical activity.

B. High schools are encouraged to offer at least a 20-minute physical activity break. Activities and support must encourage moderate to vigorous physical activity.

C. This requirement can be satisfied through more than one scheduled period of physical activity. The duration of each period must be sufficient to provide a significant health benefit to students.

D. This requirement can be achieved through quality physical education classes and/or through activities offered throughout the regular school day such as recess, dance, classroom energizers or other curriculum-based physical activity programs.

E. Use of time for physical activity must complement and may not be a substitution for the physical education program.

F. Thirty (30) cumulative minutes of moderate to vigorous physical activity in physical education meets the physical activity requirement for that day.

(b) The practices must include provisions that physical activity may not be denied or used for disciplinary reasons or to make up lessons.

(c) The practices must include encouragement for students to achieve an additional 30 minutes of physical activity daily during time spent outside of school.

(d) Sedentary time must be limited to less than two hours at one time.

(e) For elementary and middle schools, recess should be offered before lunch.

12.84. Physical Education.

(a) School entities shall provide physical education to all students including those with documented medical conditions and disabilities and students in alternative education programs.

(b) Elementary and middle schools shall provide 150 minutes of physical education per week.

(c) Secondary schools shall provide 225 minutes of physical education per week.

(d) Physical education must devote at least 50% of class time to moderate-to-vigorous physical activity either indoors or outdoors weather permitting.

(e) The physical education curriculum must meet the following criteria:

(1) Be consistent with the National Standards for Physical Education and the Academic Standards for Health, Safety and Physical Education contained in Chapter 4, Annex D;

(2) Maintain student/teacher ratio for physical education class comparable with other classes at all grade levels;

(3) Meet the needs of all students, including those who are not athletically gifted;

(4) Actively teach cooperation and fair play;

(5) Promote participation in physical activity outside of school;

(6) Focus on helping students develop an active adult lifestyle in high school; and

(7) Physical education classes shall be taught by highly qualified physical education teachers who have completed accredited physical education teacher education programs and are certified to teach physical

education according to 22 Pa Code § 403.49 related to highly qualified elementary, middle, and secondary teachers.

12.85. Safe and Adequate Facilities.

- (a) School entities shall provide and properly maintain safe and adequate spaces, facilities, equipment, and supplies necessary to achieve the objectives of the physical education program.
- (b) Safety and hazard assessments of gymnasiums, playgrounds, athletic fields, and sports-related equipment must be conducted as a part of the school strategic plan under 22 Pa Code Chapter 4.13. Identified hazards must be repaired before further use by students, staff or community members.
- (c) School entities shall report to the Department of Education on safety and hazard assessments as a part of the school strategic plan under 22 Pa Code Chapter 4.13. Written inspection reports must be kept on file for ten years.

12.86. Program and Student Assessment.

- (a) School entities shall regularly assess all students for attainment of physical education learning objectives. Fitness results may not be used as a grading tool.
- (b) School entities shall establish and oversee the ongoing implementation of a plan to assess the quality of the physical education program.
- (c) The Department of Education and the Department of Health physical education coordinator/school health program coordinator shall submit an annual report to the State Board of Education on the implementation and effectiveness of the program and include recommendations for improvement.