Ad Hoc Rules Committee of the Whole
Wednesday, December 13, 2006
1:00 p.m.
(This meeting will begin at the conclusion of the previous session.)

Board Room

Public Conference Call Access Number: 1-866-297-6391 (listen only)
Confirmation #: 1 6 4 7 3 2 5 6

AGENDA

1. Public Participation

*2 Rules for Initial Review
   a. Part 1 (Public Schools Evaluation, Recognition and Supervision) (Plenary pp. 14-20) (Darren Reisberg)

*3 Rules for Adoption
   a. Part 226 (Special Education) (John Herner & Beth Hanselman) (Plenary p. 144)
   b. New Part 227 (Gifted Education) (Myron Mason & Carol McCue) (Plenary pp. 21-38)
   c. New Part 232 (Summer Bridges) (Myron Mason & Sharryon Dunbar) (Plenary pp. 39-49)
   d. New Part 270 (Advanced Placement) (Dana Kinley) (Plenary pp. 50-58)

4. Discussion Item
   a. Nutrition Programs (Chris Schmitt & Roxanne Ramage) (pp. 2-5)

5. Adjourn

* Items listed with an asterisk (*) will be discussed in committee and action may be taken in the plenary session.
TO: Ad Hoc Rules Committee of the Whole

FROM: Darren Reisberg, General Counsel  
Linda Riley Mitchell, Chief Financial Officer  
Chris Schmitt, Division Administrator, Nutrition Programs

Agenda Topic: School Nutrition Rules

Materials: Summary of School Nutrition Rules

Staff Contact(s): Mark Haller, Nutrition Programs  
Roxanne Ramage, Nutrition Programs  
Shawn Rotherham, Nutrition Programs

Purpose of Agenda Item
The purpose of this agenda item is to provide the attached overview of the federal regulations and state rules that govern the food and beverages that are sold to students in schools that participate in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP).

Relationship to/Implications for the State Board’s Strategic Plan
Proper nutrition can have a positive impact on student performance. Accordingly, the nutrition rules support the Strategic Plan’s goal of fostering literacy and enhancing literacy instruction.

Expected Outcome(s) of Agenda Item
The Board will be provided an overview of the school nutrition rules including information on the local wellness policies and an update on the work of the Illinois School Wellness Policy Task Force. No action is requested at this time.

Next Steps
The School Food Service Rules Part 305 states that ISBE shall initiate a revision to the food and beverage standards that respond to the Illinois School Wellness Policy Task Force’s report on statewide nutrition standards. The Task Force’s report is due to the Governor and General Assembly no later than January 1, 2007. Upon the final release of the Task Force’s report, staff will provide a detailed comparison between the current School Food Service Rules Part 305 and the recommended statewide nutrition standards of the Illinois School Wellness Policy Task Force.
Summary of School Nutrition Rules

The matrix below was developed to provide an overview of the school nutrition rules that govern the food and beverages that are sold to students in schools that participate in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP). Schools that do not participate in the NSLP/SBP are not affected by these requirements.

<table>
<thead>
<tr>
<th>Participating Schools</th>
<th>Federal</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reimbursable meals</strong></td>
<td>7CFR210.10 and 7CFR220.8</td>
<td>Not applicable</td>
</tr>
<tr>
<td>o All schools must meet meal pattern requirements in addition to specific nutrient standards when averaged over a school week.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other foods sold in food service areas during meal periods (including a la carte, second entrees, fundraising)</strong></td>
<td>7CFR210.11</td>
<td>23 Illinois Administrative Code 305.15(g)</td>
</tr>
<tr>
<td>o All schools shall prohibit the sale of foods of minimal nutritional value (FMNV) during the meal periods in the food service areas.</td>
<td>o For schools with classes of grades 5 or below operating, prohibits the sale to students of all confections, candy and potato chips during meal periods.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o For schools without classes of grades 5 or below operating, not applicable.</td>
<td></td>
</tr>
<tr>
<td><strong>Foods sold outside of the food service area before and during the regular school day or within the food service area other than during meal periods (including fundraising, campus stores)</strong></td>
<td>Not applicable</td>
<td>23 Illinois Administrative Code 305.15(a)</td>
</tr>
<tr>
<td></td>
<td>o Foods sold to students in grades 8 or below must meet specific food requirements.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Not applicable to students in grades 9 and above.</td>
<td></td>
</tr>
<tr>
<td><strong>Beverages sold throughout the school building before and during the regular school day including the food service areas during meal periods</strong></td>
<td>7CFR210.11</td>
<td>23 Illinois Administrative Code 305.15(a)</td>
</tr>
<tr>
<td>o All schools shall prohibit the sale of foods of minimal nutritional value (FMNV) during the meal periods in the food service areas.</td>
<td>o Beverages sold to students in grades 8 or below must meet specific beverage requirements.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Not applicable to students in grades 9 and above.</td>
<td></td>
</tr>
<tr>
<td><strong>Classroom Incentives (treats, rewards, give-a-ways)</strong></td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td><strong>Food brought from home</strong></td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td><strong>Food sold to student after the school day has ended</strong></td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td><strong>Local Wellness Policy</strong></td>
<td>Public Law 108-265</td>
<td>Public Act 94-0199</td>
</tr>
<tr>
<td>o Requires all participating schools to have a local wellness policy in place.</td>
<td>o Requires the State Board of Education to establish a state goal that all school districts have a wellness policy.</td>
<td></td>
</tr>
</tbody>
</table>
Local Wellness Policies

Overview
Local wellness policies are developed at the local level by designated school and community members. This allows each policy to be tailored to more specifically address or focus on different areas of the plan, levels of progress, student needs, and community concerns of each school district or school. The nutrition guidelines established by the local district may be more restrictive than all federal and state regulations and rules.

Federal Local Wellness Policy
Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) signed into law on June 30, 2004 requires the establishment of local wellness policies effective no later than the first day of the school year beginning after June 30, 2006. The requirements of the federal local wellness policy include the following:

1. Goals for nutrition education, physical activity and other school-based activities
2. Nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day
3. Guidelines for reimbursable school meals, which are no less restrictive than federal regulations
4. A plan for measuring implementation of the local wellness policy,
5. Community involvement, including parents, students, and representatives of the school food authority, the school board, school administrators, and the public in the development of the school wellness policy.

State Local Wellness Policy
Public Act 94-0199 signed into law on July 12, 2005 requires that the State Board of Education establish a state goal that all school districts have a wellness policy that is consistent with recommendations of the Centers for Disease Control and Prevention (CDC), which recommendations include the following:

1. Nutrition guidelines for all foods sold on school campus during the school day;
2. Setting school goals for nutrition education and physical activity;
3. Establishing community participation in creating local wellness policies; and
4. Creating a plan for measuring implementation of these wellness policies.

Implementation and Evaluation
Local school districts were required to develop and implement local wellness policies for the first time during the 2006-2007 school year. To assist school districts in their development and implementation of the local wellness policies, ISBE has focused its resources on the development of assistance materials, dissemination of model local wellness policies, and technical assistance training opportunities for local school staff. To date, training on local wellness policies has been provided to over 2,600 school personnel representing over 2000 schools.

During this first year of implementation, ISBE collected assurances via the electronic application process from local districts that policies have been developed and implemented. However, since federal and state regulations and rules do not require ISBE to review such policies, individual school policies were not collected. In addition, since Public Act 094-0199 created the Illinois School Wellness Policy Task Force and charged that task force to complete an evaluation of the effectiveness of school wellness policies, ISBE continues to monitor the work of
this task force. The final report on this evaluation is due to the Governor and General Assembly no later than January 1, 2008.

Nationally, the School Nutrition Association did review local wellness policies from the 100 largest school districts nationwide and has issued their findings as of October 2006. The report may be accessed at http://www.schoolnutrition.org/uploadedFiles/SchoolNutrition.org/News_&_Publications/School_Foodservice_News/New_Folder/Top%20100%20LWP%20Report(1).pdf. In Illinois, the only district reviewed for this analysis was the City of Chicago Public Schools.

### Illinois School Wellness Policy Taskforce

Public Act 94-0199 signed into law on July 12, 2005 requires the creation of the School Wellness Policy Taskforce. The Illinois School Wellness Policy Task Force is an interagency group that has been charged by the Illinois General Assembly to provide a report on three areas:

1. Identification of barriers to implementing school wellness policies and its recommendations to reduce those barriers (Due January 1, 2006)
2. Recommendations on statewide school nutrition standards (Due January 1, 2007), and
3. Evaluation of the effectiveness of school wellness policies (Due January 1, 2008).

The report on the statewide nutrition standards from the Illinois School Wellness Policy Task Force may impact the food and beverage requirements set forth in the School Food Service Rules Part 305 recently revised October 17, 2006. Part 305.15 of the School Food Service Rules requires ISBE to initiate in January, 2007 a revision to the food and beverage standards that responds to the statewide nutrition standards recommended by the Illinois School Wellness Policy Task Force.

Although the Task Force’s report is not issued to date, a cursory review reveals that the nutrition standards recommended by the Task Force are generally more restrictive than the current School Food Service rules. Some differences to note:

- All Illinois schools are impacted,
- Nutrition standards are expanded to food and beverages sold to high school students,
- All carbonated beverages are eliminated, and
- Implementation occurs no later than first day of school after July 1, 2009.