

Policy Subcommittee Review Notes
April 6, 2015

Policy	Title	Type of Change	Recommended Change
ADF	District Wellness Program	Minor	Accept changes from MSBA
INC	Speakers at District Events	Major	Accept changes from MSBA with other changes recommended by Doug, Jon, and the Policy Subcommittee

Next Meeting Date: Monday, April 27th at 5:30 p.m.

Types of Changes:

Grammar	Grammatical
Minor	Minimal word changes not impacting current practice
Major	Major change that impacts current practice
Current	Changes that better reflect current practice

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FILE: ADF
Critical

EXPLANATION: DISTRICT WELLNESS PROGRAM

The changes to this policy are a result of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA) and its implementing regulations. A summary of the HHFKA is available at:

http://www.fns.usda.gov/sites/default/files/PL111-296_Summary.pdf.

In addition, DESE has helpful information at:

<http://dese.mo.gov/divadm/food/documents/December2013.pdf>.

Many of the changes required by the HHFKA will significantly impact school food service programs. Many of those changes are not in this policy because they are technical and specific to the food service program. The following are some of the major changes:

1. The Missouri Eat Smart Guidelines are no longer valid. Under the new law, all foods and beverages sold during the school day are required to meet the standards set by the U.S. Department of Agriculture (USDA). The school day has been defined as the time period from the midnight prior to the beginning of the traditional school day to 30 minutes after the end of the traditional school day.
2. The nutrition standards apply to all foods sold to students. This includes items sold in school stores, vending machines and other areas. In general, these standards apply to fundraisers held in the district during the school day, but the law does allow school districts to hold "infrequent" fundraisers that include the sale of foods and beverages that do not meet the nutrition standards. Under the regulations, DESE will establish a number of fundraisers that will be exempted. This limitation only applies to fundraisers conducted during the school day and on campus. Less nutritious foods can still be sold in concession stands and community fundraisers as long as these foods are not sold during the school day.
3. Sugar-free gum has also been exempted from the nutrition standards and can be sold.
4. Districts must have free drinking water available to students at all mealtimes in the place where the meal is served. If there is no drinking fountain in the food service area, the district will need to provide water some other way.
5. The standards for milk have changed. Previously, whole milk was an acceptable option. Now, districts are required to provide "a variety of fluid milk" consistent with the Dietary Guidelines for Americans. The current dietary guidelines recommend fat-

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free or low-fat milk exclusively. Districts may offer flavored milk or fortified soy and lactose-free milk as well. A milk substitute other than soy or lactose-free milk will only be provided if a physician submits a written reason why the substitute is required.

6. The individual signing the application for free and reduced-price meals has to provide only the last four digits of the Social Security number instead of the full number.
7. Foster care children now have categorical eligibility for free meals, without further application or eligibility determination. Further, the local education agency may certify any foster child as eligible for free meals, without application, by directly communicating with the appropriate state or local child welfare agency to obtain documentation of a child's status.
8. The USDA now has authority to regulate all foods and beverages sold to students. This means the local food service manager who is implementing federal meal programs is now responsible for all foods and beverages available to students everywhere in the district during the school day. The law also requires the local food service entity, usually the food service director, to keep records of the district's compliance with the law.

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<input type="checkbox"/>	Board Secretary	<input type="checkbox"/>	Business Office	<input type="checkbox"/>	Coaches/Sponsors
<input type="checkbox"/>	Facility Maintenance	<input checked="" type="checkbox"/>	Food Service	<input type="checkbox"/>	Gifted
<input type="checkbox"/>	Human Resources	<input type="checkbox"/>	Principals	<input type="checkbox"/>	Library/Media Center
<input type="checkbox"/>	Health Services	<input type="checkbox"/>	Counselor	<input type="checkbox"/>	Special Education
<input type="checkbox"/>	Transportation	<input type="checkbox"/>	Public Info/Communications	<input type="checkbox"/>	Technology

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DISTRICT WELLNESS PROGRAM

The Board recognizes the relationship between student well-being and student achievement as well as the importance of a comprehensive district wellness program. Therefore, the district will provide developmentally appropriate and sequential nutrition and physical education as well as opportunities for physical activity. The wellness program will be implemented in a multidisciplinary fashion and will be evidence based.

Wellness Committee

The district will establish a wellness committee that consists of at least one parent, student, nurse or other school health professional, physical education teacher, school food service representative, Board member, school administrator and member of the public. If available, a qualified, credentialed nutrition professional will be a member of the wellness committee.

Wellness Program Coordinator

The Board designates the following individual as wellness program coordinator: Director of Student Services. Only employees of the district who are members of the wellness committee may serve as wellness program coordinators. The wellness coordinator, in consultation with the wellness committee, will be in charge of implementation and evaluation of this policy. Meetings, records and votes of the wellness committee will adhere to the requirements of the Missouri Sunshine Law.

The wellness program coordinator is responsible for ensuring that each school in the district is in compliance with this policy.

Nutrition Guidelines

It is the policy of the Webster Groves School District that all foods and beverages ~~made available on campus during the school day meet or exceed the Missouri Eat Smart nutrition guidelines~~ sold to students during the school day on any property under the jurisdiction of the district will meet the nutrition standards established by the U.S. Department of Agriculture (USDA). These nutrition standards apply to all food and beverages sold to students, including those sold in vending machines, school stores and through district-sponsored fundraisers, unless an exemption applies. For the purposes of this policy, the school day is the time period from the midnight before to 30 minutes after the official school day. Guidelines for reimbursable school meals will not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to law. The district will create guidelines that apply to all foods available to students throughout the school day in the following areas:

★ ~~National School Lunch Program and School Breakfast Program meals~~

- ~~→ À la carte offerings in the food service program~~
- ~~→ Vending machines and school stores~~
- ~~→ Classroom parties, celebrations, fundraisers, rewards and school events~~
- ~~→ Snacks served in after school programs~~

Nutrition Promotion and Education

The district will provide nutrition education aligned with the Show-Me Standards and Missouri's Frameworks for Curriculum Development in Health/Physical Education in all grades. In addition, the district will disseminate nutrition messages and other nutrition-related materials received from the U.S. Department of Agriculture (USDA) to students, staff and the community through a variety of media and methods. The wellness program coordinator, in consultation with the wellness committee, will develop procedures that address nutrition education and promotion.

Physical Activity and Education

The district will provide physical education and opportunities for physical activity in accordance with state requirements and aligned with the Show-Me Standards and Missouri's Frameworks for Curriculum Development in Health/Physical Education in all grades. The wellness program coordinator, in consultation with the wellness committee, will develop procedures that address physical education and physical activity.

Other School-Based Activities

The wellness program coordinator, in consultation with the wellness committee, is charged with developing procedures addressing other school-based activities to promote wellness.

Evaluation

The wellness committee will assess all education curricula and materials pertaining to wellness for accuracy, completeness, balance and consistency with the state's and district's educational goals and standards. The wellness program coordinator shall be responsible for devising a plan for implementation and evaluation of the district wellness policy and is charged with operational responsibility for ensuring that schools meet the goals of the district wellness policy. The wellness program coordinator will report to the Board ~~annually~~periodically regarding the content and implementation of the wellness program and make recommendations for modifications to this policy as appropriate. The report will be made available to the public on the district's website or by other appropriate means.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 11/14/2005

Revised: 09/12/2011; 09/10/2012;

Cross Refs: DJF, Purchasing
EF, Food Services Management
EFB, Free and Reduced-Cost Price Food Services
GCL, Professional Staff Development Opportunities
GDL, Support Staff Development Opportunities
IGAEA, Teaching about Drugs, Alcohol and Tobacco
IGBC, Parent/Family Involvement in Instructional and Other Programs
IGDF, Student Fundraising
JHCF, Student Allergy Prevention and Response
KI, Public Solicitations/Advertising in District Facilities

Legal Refs: §§ 167.720, 610.010 - .02830, RSMo.
The Richard B. Russell National School Lunch Act, 42 U.S.C. §§ 1751 - 1769j0
National School Lunch Program, 7 C.F.R. Part 210

Webster Groves School District, St. Louis, Missouri

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*changes
on pages 5-6*

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EXPLANATION: SPEAKERS AT DISTRICT EVENTS

This is a NEW policy for district consideration. Previously considered supplemental, MSBA now recommends that all districts adopt this policy, which MSBA has written to be applicable to all invited speakers and to include the required provisions of House Bill 1303 (2014). House Bill 1303 requires school districts to adopt a policy that:

1. Establishes a "limited public forum for student speakers at all school events at which a student is to publicly speak."
2. Requires the district to "provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies."
3. Requires the district to "ensure that a student speaker does not engage in obscene, vulgar, offensively lewd or indecent speech."
4. Requires the district to "state, in writing, orally or both, that the student's speech does not reflect the endorsement, sponsorship, position or expressions of the district."

MSBA has drafted a policy that incorporates these provisions and addresses the use of outside speakers as well.

House Bill 1303, or the Missouri Student Religious Liberties Act, is clearly designed to allow students to incorporate religious themes and prayer into any school-related public-speaking event. It also allows students to incorporate religion into course work, wear clothing and jewelry of a religious nature and form student groups that engage in religious expression. Much of what House Bill 1303 attempts to do is already the law. Students can currently use religious themes in course work as long as the basic rules of the assignment are satisfied. For example, a student whose assignment was to compose a poem about anyone they admired could choose to write one about Jesus, Muhammad or another religious figure. Students can form student-initiated prayer groups if the district allows other noncurricular groups, and students can wear clothing and jewelry of a religious nature if it is not disruptive.

House Bill 1303 requires the district to establish a limited public forum for events at which students will be speaking. When a government entity, such as a school district, establishes a limited forum, the district can regulate the time and place of the speech and can require the speech to be related to the purpose for which the forum was opened. The district cannot, however, restrict speech based on the viewpoint of the speaker. For example, when a student speaks at graduation, the district can tell the student when to speak and set a time limit. The district can also require the speech to be related to the purpose of graduation, which is

honoring the accomplishments of the graduates. A student might do this by mentioning particular teachers who helped students succeed, or the student might want to talk about how the students succeeded in spite of bad teachers. The district has to allow both viewpoints. The district can still control speech to the extent it is obscene, vulgar, lewd or indecent, but, short of that, the district has little authority to filter the speech.

The law also requires the district to develop a "neutral" method for selecting student speakers. MSBA has interpreted this to require the student to be selected in a manner that is viewpoint-neutral, meaning the student was not selected because he or she was likely to speak from a particular viewpoint.

MSBA has attempted to create a neutral selection process by designating certain positions held by students or certain honors awarded to students as the basis on which speakers are selected. MSBA encourages the district to modify this policy to more closely align with district practice as long as the selection criteria remain neutral and do not include student voting.

The district's other option is to adopt a policy prohibiting student speakers at district events. It is unlikely that most school districts will be willing to do this, but it is an option. Student religious expression is a very volatile issue. MSBA encourages districts to consult their local attorney for advice on this policy.

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	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services	X	Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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SPEAKERS AT DISTRICT EVENTS

Some district events, such as graduation, classes, assemblies and professional development meetings, include the use of student speakers or speakers from outside the district. The purpose of this policy is to establish the parameters for such speakers.

Rules for All Speakers

Regardless of the type of speaker or the event, the speaker is required to follow all district policies and procedures including, but not limited to, the following:

1. The topic of the presentation must reflect the mission of the district and be directly related to the curriculum or the purpose of the event.
2. The presentation must be appropriate for the age level of the students attending and must also be appropriate for any parents/guardians and children who may attend or for a professional environment, when applicable.
3. Speakers will be given a general topic or theme upon which to speak. The speech must be consistent with that topic or theme.
4. Obscene, vulgar, lewd or indecent speech is not permitted.
5. Speakers will not plagiarize, will properly attribute material authored by another person and will respect copyright, trademark and other applicable state or federal laws.
6. Speakers may not advertise or promote any product, practice or service not permitted to minors by law or district policy.
7. Insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religion or ethnic origin), are not permitted.
8. The district does not permit speech that, because of its content, presents a clear and present likelihood that it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities or will cause the commission of unlawful acts or the violation of lawful school procedures.

Outside Speakers

The Board, superintendent, principals or teachers may invite speakers from outside the district to speak at school or district events, such as classes or assemblies, or present at professional development programs for district employees or the Board. For the purposes of this policy, outside speakers are those who are not students, district officials or employees.

Any event at which outside speakers are invited to speak is considered a closed forum, and the content of the speech is limited to the purpose of the forum and the specific topic or theme the speaker was directed to address. Outside speakers may be required to submit a copy of their presentation for the purpose of determining whether it meets the intended purpose of the event and otherwise satisfies the rules established in this policy.

Building administrators are responsible for approving and monitoring the use of outside speakers in their buildings and may revoke an invitation or stop a presentation if the speaker is in violation of this policy or for any legal reason.

Outside speakers at meetings of student-initiated groups are subject to the same rules as other outside speakers who speak at district-sponsored events.

Student Speakers

Student Speakers in Classrooms and at Events Not Open to the Public

Students may be requested or required to speak on a variety of issues in the classroom, in curricular-related events, at assemblies, at performances and in other forums that are not open to the general public. In those situations, the district maintains a closed forum, and students are expected to follow the directions of district staff. Student speech must be respectful and conform to district policies and procedures and building and classroom rules.

Student Speakers at Public Events

Students may be invited to speak at public events, including assemblies and graduation celebrations, that are open to the general public. In general, district events are considered a closed forum; however, when students speak at public events, the district will consider the student's speech to be presented in a limited public forum, as required by law. In addition, particular events may have more specific purposes directly related to the event. The district is under no obligation to expand the forum or create a new forum to include students other than those invited to speak in accordance with this policy.

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A student speaker may be required to submit a copy of his or her presentation for the purpose of determining whether it meets the intended purpose of the event and otherwise satisfies the rules established in this policy and other policies and procedures.

Students will not be disciplined based on the viewpoint expressed, including religious viewpoints, for otherwise permissible speech. If, in the opinion of the school official supervising the event, the student's speech is in violation of this policy or other district policies and procedures, the official may require the student to stop speaking, and the student may be disciplined or directed to modify his or her speech appropriately.

In accordance with law, the following disclaimer shall be read aloud and/or printed on any written materials distributed at graduation: "Student speakers are speaking as individuals, and their speech does not reflect the endorsement, sponsorship, position or expression of the district." The district will also provide this disclaimer at any other public district event at which a student speaks if the district considers it necessary to clarify to the audience that the student does not speak on behalf of the district.

Selection of Student Speakers at Public Events

It is a privilege for students to be allowed to speak at district-sponsored public events. All student speakers must be in good standing with the district, as defined by the district, in order to be eligible to speak.

** (insert from page 6)*

Student speakers at public district events will be selected based on viewpoint-neutral criteria in accordance with law including, but not limited to, the following:

Graduation

The district will select student speakers for graduation from among those graduates with the highest grade-point average, those with notable accomplishments or those who served as the senior class or student body president.

Other Public Events

Student speakers for other public district or school events are limited to:

- ▶ Student government officers or candidates.
- ▶ Club and organization presidents.
- ▶ Team captains.
- ▶ Exchange students.

Insert attached information

Any eligible student reasonably expected to be included in the graduating class may be considered to be the speaker for graduation ceremonies. Speakers may be nominated by any member(s) of the graduating class, or may self-nominate. Nominated students meeting eligibility requirements and desiring to be considered for speaker shall participate in a student assembly at which each nominee shall present all or a designation portion of his or her graduation speech. Students in attendance at the assembly shall evaluate each speaker on the basis of viewpoint-neutral criteria such as the following:

- delivery of presentation and articulation
- usage of humor in presentation
- pertinence of presentation to graduation and school experiences
- engagement of audience
- compliance with time limitations

The student receiving the highest cumulative score in the student evaluations shall serve as the graduation speaker, provided that he or she is available for that purpose.

- ▶ Students who have received a particular honor or award, such as success at a state or national competition.
- ▶ Students selected by a random drawing from a pool of volunteers.

3 The superintendent or designee may allow a student who does not meet the above criteria to speak at public school or district events upon the recommendation of a district employee. Approval will not be given unless the employee recommending the student articulates an alternative neutral criteria used to select the student.

These selection criteria are not required for students who are speaking as part of a school- or district-sponsored event when the student's speech is scripted or where a staff member specifically directs the students in what to say.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
KK, Visitors to District Property/Events

Legal Refs: U.S. Const. amend. 1
§ 160.2500, RSMo.

Webster Groves School District, St. Louis, Missouri