

**The Gray Charter School  
Board of Trustees  
Policy**

**School Nutrition Policy**

**BP8601**

---

The Board of Trustees

**Gray Charter School  
School Nutrition Policy**

The Board of Trustees recognizes that child and adolescent obesity has reached epidemic levels in the United States and that poor diet combined with the lack of physical activity negatively impacts on students' health, and their ability and motivation to learn. The Board is committed to:

- Providing students with healthy and nutritious foods;
- Encouraging the consumption of fresh fruits and vegetables, low fat milk and whole grains;
- Supporting healthy eating through nutrition education;
- Encouraging students to select and consume all components of the school meal;
- Providing students with the opportunity to engage in daily physical activity.

All reimbursable meals shall meet Federal nutrient standards as required by the US Department of Agriculture Child Nutrition Program regulations. All items served as part of the After School Snack Program shall meet the standards as outlined within this policy.

The following items may not be served, sold or given out as free promotion anywhere on school property at anytime before the end of the school day:

- Foods of minimal nutritional value (FMNV) as defined by the US Department of Agriculture regulations;
- All food and beverage items listing sugar, in any form, as the first ingredient; and
- All forms of candy.

The school will reduce the purchase of any product containing Tran's fat.

All snack and beverage items sold or served anywhere on school property during the school day, including items sold in a la carte lines, vending machines, snack bars, school stores and fundraisers or served in the reimbursable After School Snack Program shall meet the following standards:

- 1) Based on manufacturer's nutritional data or nutrient facts labels:
  - No more than eight grams of total fat per serving, with the exception of nuts and seeds.
  - No more than two grams of saturated fat per serving
- 2) All beverages shall not exceed 12 ounces, with the following exceptions:
  - Water
  - Milk containing two percent or less fat.
- 3) Whole milk shall not exceed eight ounces.
  - 100 percent of all beverages offered shall be milk or 100 percent fruit or vegetable juice.

Food and beverages served during special school celebrations or during curriculum related activities shall be exempt from this policy, with the exception of foods of minimal nutritional value as defined by USDA regulations,

This policy does not apply to: medically authorized special needs diets pursuant to 7 CFR Part 210; school nurses using FMNVs during the course of providing health care to individual students; or special needs students whose IEP indicates their use for behavior modification.

Adequate time shall be allowed for student meal service and consumption. Schools shall provide a pleasant dining environment. The Board of Trustees recommends that physical education or recess be scheduled before lunch whenever possible.

This school districts curriculum shall incorporate nutrition education and physical activity consistent with the New Jersey Department of Education Core Curriculum Standards.

The Board of Trustees is committed to promoting the Nutrition Policy with all food service personnel, teacher's nurses, coaches and other school administrative staff so they have the skills they need to implement this policy and promote healthy eating practices. The Board of Trustees will work toward expanding awareness about this policy among students, parents, teachers and the community at large.

**Adopted October 20, 2006**

## CHAPTER 36

## CHILD NUTRITION PROGRAMS

## Authority

N.J.S.A. 18A:33-4 and 5 and 18A:33-9 et seq.

## Source and Effective Date

R.2004 d.289, effective June 30, 2004.  
See: 36 N.J.R. 1915(a), 36 N.J.R. 3523(b).

## Chapter Expiration Date

Chapter 36, Child Nutrition Programs, expires on June 30, 2009.

## Chapter Historical Note

Chapter 36, Child Nutrition Programs, was originally codified in Title 6 as Chapter 79, Child Nutrition Programs. Chapter 79 was adopted as R.1975 d.161, effective June 12, 1975. See: 7 N.J.R. 201(c), 7 N.J.R. 307(a).

Chapter 79, Child Nutrition Programs, was recodified as N.J.A.C. 6:20-9 by R.1992 d.202, effective May 4, 1992. See: 24 N.J.R. 324(a), 24 N.J.R. 1791(c).

Pursuant to Executive Order No. 66(1978), N.J.A.C. 6:20-9 was adopted by R.1997 d.9, effective December 10, 1996. See: 28 N.J.R. 297(a), 29 N.J.R. 124(a).

Pursuant to Reorganization Plan No. 002-1997, N.J.A.C. 6:20-9 was recodified as N.J.A.C. 2:36, effective February 10, 1998. See: 30 N.J.R. 870(b).

Chapter 36, Child Nutrition Programs, expired on December 10, 1998.

Chapter 36, Child Nutrition Programs, was adopted as new rules by R.1999 d.62, effective March 1, 1999. See: 30 N.J.R. 4093(a), 31 N.J.R. 637(b).

Chapter 36, Child Nutrition Programs, was readopted as R.2004 d.289, effective June 30, 2004. See: Source and Effective Date. See, also, section annotations.

## CHAPTER TABLE OF CONTENTS

## SUBCHAPTER 1. GENERAL PROVISIONS

2:36-1.1	Definitions
2:36-1.2	Policy and Agreement for School Nutrition Programs
2:36-1.3	Eligibility
2:36-1.4	Survey
2:36-1.5	Free and reduced price meal and/or free milk application
2:36-1.6	Participation requirements
2:36-1.7	Local school nutrition policy
2:36-1.8	Nutrition standards
2:36-1.9	Review and evaluation
2:36-1.10	Maximum charge
2:36-1.11	Competitive food policy
2:36-1.12	Meal accountability
2:36-1.13	Biosecurity for school food service

## APPENDIX. MODEL SCHOOL NUTRITION POLICY

## SUBCHAPTER 1. GENERAL PROVISIONS

## 2:36-1.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Agreement for School Nutrition Programs” means the agreement entered into between the Department and each sponsor pursuant to Federal regulations 7 CFR Parts 210, 215, 220 and 245.

“Application” means the notifying letter and application form issued to all parents of students enrolled in school to determine eligibility for child nutrition programs.

“Bureau” means the Bureau of Child Nutrition Programs, which administers the Federal child nutrition program in the State of New Jersey.

“Candy” is defined as any food item, that as served in its finished form, contains, by weight, 40 percent or more sugar (in crystalline form or in solution as syrup, both monosaccharides and disaccharides) and/or other sweetening agents, or any food product commonly referred to as “candy.”

“Child Nutrition Programs” means the National School Lunch Program, School Breakfast Program, After School Snack Program, Special Milk and Split-Session Kindergarten Milk Programs, Child Care Food Programs and the Summer Food Service Program.

“Competitive foods” means all food and beverage items, other than the reimbursable meals, sold, served, or given away during the school day.

“Department” means the State Department of Agriculture.

“Department’s Consolidated Enrollment Report: Current School Enrollment Data” means a comprehensive report which districts are required to submit each October to the State Department of Education to provide information on school enrollment data, including the number of students eligible for free and reduced price meal benefits.

“Division” means the Division of Food and Nutrition which is the division within the State Department of Agriculture that contains the Bureau of Child Nutrition and the Bureau of Food Distribution.

(b) Each school district shall certify and submit this policy to the Division no later than the end of the second calendar month for which any reimbursement can be claimed for meals and milk served under the child nutrition programs. Sponsors starting programs in September shall submit the policy no later than September 30 of that year.

(c) The Agreement for School Nutrition Programs shall contain the policy referred to in (a) above and shall be submitted with the application packet to participate in any Child Nutrition Program prescribed by the Secretary pursuant to 7 CFR §§ 210.9, 215.7, 220.7 and 245.10.

Amended by R.1987 d.524, effective December 21, 1987.

See: 19 N.J.R. 1599(a), 19 N.J.R. 2399(a).

Substituted "Agreement for School Nutrition Programs" for "school feeding agreement".

Amended by R.1992 d.202, effective May 4, 1992.

See: 24 N.J.R. 324(a), 24 N.J.R. 1791(c).

Added new (a) and (c) regarding the adoption of free and reduced price policies in all school districts; recodified from N.J.A.C. 6:79-1.2. Administrative Correction to (a).

See: 24 N.J.R. 2712(c).

Amended by R.2004 d.289, effective August 2, 2004.

See: 36 N.J.R. 1915(a), 36 N.J.R. 3523(b).

Rewrote (a) and (b); in (c), deleted "in accordance" preceding "with the application" and inserted "packet to participate in any Child Nutrition Program" preceding "prescribed by the Secretary".

#### Case Notes

Statute authorizing exemption from mandatory school lunch program upheld against due process constitutional challenge. *Robbani v. Burke*, 77 N.J. 383, 390 A.2d 1149 (1978).

#### 2:36-1.3 Eligibility

The Division shall administer eligibility standards pursuant to the Federal Income Eligibility Guidelines set forth at 7 CFR Part 245 for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools. These standards shall be used by all sponsors participating in the child nutrition programs and by all nonparticipating schools for the purpose of completing the survey as required by N.J.A.C. 2:36-1.4.

Amended by R.1987 d.524, effective December 21, 1987.

See: 19 N.J.R. 1599(a), 19 N.J.R. 2399(a).

Substituted "administer" for "establish".

Amended by R.1992 d.202, effective May 4, 1992.

See: 24 N.J.R. 324(a), 24 N.J.R. 1791(c).

Recodified and added reference to Federal regulations and recodified from N.J.A.C. 6:79-1.3.

Amended by R.2004 d.289, effective August 2, 2004.

See: 36 N.J.R. 1915(a), 36 N.J.R. 3523(b).

Rewrote the section.

#### 2:36-1.4 Survey

(a) By the last school day prior to October 16 of each school year, each school, under the supervision of its sponsor, shall survey the parent or guardian of each student enrolled to determine which students are eligible to receive free or reduced-price meals and/or free milk. The purpose of the survey is to determine whether the school meets or exceeds the five percent threshold established by N.J.S.A.

18A:33-4 for school lunch programs and the 20 percent threshold established for school breakfast programs in N.J.S.A. 18:33-9.

(b) This survey shall be conducted using the "Application for Free and Reduced Price Meals or Free Milk" as prescribed by the Secretary pursuant to Federal regulations (7 CFR Part 245). This application shall be distributed to the parent or guardian of every student enrolled in the school.

(c) The results of this survey shall be included in the Department of Education's Consolidated Enrollment Report: Current School Enrollment Data for the school year in which the survey is made.

Amended by R.1987 d.524, effective December 21, 1987.

See: 19 N.J.R. 1599(a), 19 N.J.R. 2399(a).

Added "which shall include" to text.

Amended by R.1992 d.202, effective May 4, 1992.

See: 24 N.J.R. 324(a), 24 N.J.R. 1791(c).

New due date added in (a) and purpose; at (b) required use of specific application; at (c) requires submission of information in specific report and recodified from N.J.A.C. 6:79-1.4.

Amended by R.2004 d.289, effective August 2, 2004.

See: 36 N.J.R. 1915(a), 36 N.J.R. 3523(b).

In (a), rewrote the second sentence.

#### 2:36-1.5 Free and reduced price meal and/or free milk application

(a) The Division shall prepare an application form that shall be used by all school districts. A copy of the application completed by each school district must be filed with the Division together with the Free and Reduced Priced Policy described in N.J.A.C. 2:36-1.2.

(b) The parent or guardian shall be given at least two weeks from the date of receipt of the application to complete and submit the application to the school district which must provide adequate assistance to parents in completing these applications.

(c) Applications in languages other than English must be provided by the school food authority where non-English speaking parents are possible applicants. (An application in Spanish and French is available upon request from the Division of Food and Nutrition, Bureau of Child Nutrition.)

(d) Upon receipt of the completed application, the district must determine each student's eligibility for a free or reduced-price meal and/or free milk from the information submitted. Each student shall be offered free or reduced-price meals and/or free milk as soon as eligibility has been determined. Applications from the proceeding year may be used to determine eligibility only for the month of September. If the school has reason to question the information provided, the student affected must continue to receive the free or reduced-price meals and/or free milk until completion of the appeal procedures set forth in the sponsor's policy pursuant to Federal regulations (7 CFR § 245.7 Hearing Procedure for Families and School Food Authorities).

New Rule, R.2005 d.185, effective June 20, 2005.

See: 36 N.J.R. 5028(a), 37 N.J.R. 2234(b).

Former N.J.A.C. 2:36-1.7, Nutrition standards, recodified to N.J.A.C. 2:36-1.8.

### 2:36-1.8 Nutrition standards

(a) Nutrition standards established by the Department for meals served under the National School Lunch, School Breakfast, and After School Snack Programs or as mandated by N.J.S.A. 18A:33-4 shall be identical to those established in the USDA regulations at 7 CFR § 210.10 and Part 220.8, respectively. These Federal regulations and all subsequent amendments are adopted herein by reference. These standards are published in the Department's Nutrition Standards for School Nutrition Programs available through the New Jersey Department of Agriculture, Division of Food and Nutrition, PO Box 334, Trenton, New Jersey 08625-0334.

(b) Nutrition standards for all other food and beverage items shall comply with the Competitive Food Policy as referenced in N.J.A.C. 2:36-1.11.

Amended by R.1992 d.202, effective May 4, 1992.

See: 24 N.J.R. 324(a), 24 N.J.R. 1791(c).

Adopted by reference USDA Nutritional Standards for School Nutrition Programs and recodified from N.J.A.C. 6:79-1.7.

Amended by R.2004 d.289, effective August 2, 2004.

See: 36 N.J.R. 1915(a), 36 N.J.R. 3523(b).

Rewrote the section.

Recodified from N.J.A.C. 2:36-1.7 and amended by R.2005 d.185, effective June 20, 2005.

See: 36 N.J.R. 5028(a), 37 N.J.R. 2234(b).

Designated former paragraph as (a) and added (b). Former N.J.A.C. 2:36-1.8, Review and evaluation, recodified to N.J.A.C. 2:36-1.9.

### 2:36-1.9 Review and evaluation

(a) Each sponsor's implementation of the Free and Reduced Price Policy and the Model School Nutrition Policy shall be reviewed and evaluated by the Division on a continuing basis.

(b) Federal and State child nutrition program funds may be withheld and/or fiscal action taken against sponsors (see 7 CFR § 210.19(c), 215.12(a), 220.14(a) and 245.10) found not to be in compliance with applicable Federal regulations (7 CFR Parts 210, 215, 220 and 245) and the Department's Model School Nutrition Policy.

(c) Sponsors shall not alter or amend standards set forth in the Free and Reduced Price Policy or the Department's Model School Nutrition Policy without prior written approval by the Division.

R.1974 d.198, effective July 19, 1974.

See: 6 N.J.R. 302(e).

Amended by R.1992 d.202, effective May 4, 1992.

See: 24 N.J.R. 324(a), 24 N.J.R. 1791(c).

Added references to Federal regulations and recodified from A.C. 6:79-1.8.

Amended by R.2004 d.289, effective August 2, 2004.

See: 36 N.J.R. 1915(a), 36 N.J.R. 3523(b).

Substituted references to Free and Reduced Price Policy for references to policy and references to Division for references to Bureau throughout; in (b), inserted "and 245.10" following "220.14(a)"; in (c), inserted "written" preceding "approval by".

Recodified from N.J.A.C. 2:36-1.8 and amended by R.2005 d.185, effective June 20, 2005.

See: 36 N.J.R. 5028(a), 37 N.J.R. 2234(b).

Inserted references to the Department's Model School Nutrition Policy throughout. Former N.J.A.C. 2:36-1.9, Maximum charge, recodified to N.J.A.C. 2:36-1.10.

### 2:36-1.10 Maximum charge

(a) The Division shall annually establish the maximum per meal and milk charge pursuant to 7 CFR §§ 210.2, 220.2 and 215.8(c); however, sponsors may appeal to the Division to increase such maximum per meal or milk charges.

1. The maximum milk charge shall be established based on the rate of reimbursement from the USDA per  $\frac{1}{2}$  pint of milk, consideration of the annual average State-wide student price/charge for milk and the average cost of a  $\frac{1}{2}$  pint of milk as purchased from the dairy.

2. The maximum meal charge shall be established based on the rate of reimbursement from the USDA for a free meal minus the rate of reimbursement from the USDA for a paid meal, and consideration of the annual average statewide student price/charge for a paid meal in the elementary, middle and secondary grades.

3. Adult meal prices shall be established to cover all costs associated with the production and service of the adult meal, including the market value of commodities allocated.

Amended by R.1983 d.71, effective March 21, 1983.

See: 14 N.J.R. 1248(b), 15 N.J.R. 440(a).

Deleted old (a) concerning sponsors establishing milk prices.

Amended by R.1992 d.202, effective May 4, 1992.

See: 24 N.J.R. 324(a), 24 N.J.R. 1791(c).

Added new (a)1 and 2 and new (b) specifying how maximum charges are established and recodified from N.J.A.C. 6:79-1.9.

Amended by R.2004 d.289, effective August 2, 2004.

See: 36 N.J.R. 1915(a), 36 N.J.R. 3523(b).

Rewrote the section.

Recodified from N.J.A.C. 2:36-1.9 by R.2005 d.185, effective June 20, 2005.

See: 36 N.J.R. 5028(a), 37 N.J.R. 2234(b).

Former N.J.A.C. 2:36-1.10, Competitive food policy, recodified to N.J.A.C. 2:36-1.11.

### 2:36-1.11 Competitive food policy

(a) The competitive food policy prohibits certain snack and beverage items by regulations promulgated by the USDA for the administration of child nutrition programs and as contained in the Department's Model School Nutrition Policy. The following items shall not be served, sold or given away as a free promotion anywhere on school property at any time before the end of the school day, including items served in the reimbursable After School Snack Program:

1. Foods of minimal nutritional value as defined by USDA regulations;

## APPENDIX

## Model School Nutrition Policy

The Board of Education, or recognized school authority, recognizes that child and adolescent obesity has reached epidemic levels in the United States and that poor diet combined with the lack of physical activity negatively impacts on students' health, and their ability and motivation to learn. The Board is committed to:

- Providing students with healthy and nutritious foods;
- Encouraging the consumption of fresh fruits and vegetables, low fat milk and whole grains;
- Supporting healthy eating through nutrition education;
- Encouraging students to select and consume all components of the school meal; and
- Providing students with the opportunity to engage in daily physical activity.

All reimbursable meals shall meet Federal nutrient standards as required by the U.S. Department of Agriculture Child Nutrition Program regulations. All items served as part of the After School Snack Program shall meet the standards as outlined within this policy.

The following items may not be served, sold or given out as free promotion anywhere on school property at anytime before the end of the school day:

- Foods of minimal nutritional value (FMNV) as defined by U.S. Department of Agriculture regulations;
- All food and beverage items listing sugar, in any form, as the first ingredient; and
- All forms of candy.

Schools shall reduce the purchase of any products containing trans fats. (Federal labeling of trans fats on all food products is required by January 1, 2006.)

All snack and beverage items sold or served anywhere on school property during the school day, including items sold in a la carte lines, vending machines, snack bars, school stores and fundraisers or served in the reimbursable After School Snack Program, shall meet the following standards:

1) Based on manufacturers nutritional data or nutrient facts labels:

- No more than eight grams of total fat per serving, with the exception of nuts and seeds.
- No more than two grams of saturated fat per serving.

2) All beverages shall not exceed 12 ounces, with the following exceptions:

- Water.
- Milk containing two percent or less fat.

3) Whole milk shall not exceed eight ounces.

In elementary schools:

- 100 percent of all beverages offered shall be milk, water or 100 percent fruit or vegetable juices.

In middle and high schools:

- At least 60 percent of all beverages offered, other than milk and water, shall be 100 percent fruit or vegetable juices.
- No more than 40 percent of all ice cream/frozen desserts shall be allowed to exceed the above standards for sugar, fat, and saturated fat.

Food and beverages served during special school celebrations or during curriculum related activities shall be exempt from this policy, with the exception of foods of minimal nutritional value as defined by USDA regulations.

This policy does not apply to: medically authorized special needs diets pursuant to 7 CFR Part 210; school nurses using FMNVs during the course of providing health care to individual students; or special needs students whose Individualized Education Plan (IEP) indicates their use for behavior modification.

Adequate time shall be allowed for student meal service and consumption. Schools shall provide a pleasant dining environment. The Board recommends that physical education or recess be scheduled before lunch whenever possible.

This school district's curriculum shall incorporate nutrition education and physical activity consistent with the New Jersey Department of Education Core Curriculum Standards.

The Board of Education is committed to promoting the Nutrition Policy with all food service personnel, teachers, nurses, coaches and other school administrative staff so they have the skills they need to implement this policy and promote healthy eating practices. The Board will work toward expanding awareness about this policy among students, parents, teachers and the community at large.

New Rule, R.2005 d.185, effective June 20, 2005.  
See: 36 N.J.R. 5028(a), 37 N.J.R. 2234(b).