

J-2 Recommendation to acknowledge the first reading of the following revised Board of Education Policies: SEE ATTACHED

Motion _____ Second _____ VOTE _____

5661 Wellness. this revision is a replacement as advised by counsel.

7131 Education of Homeless Children and Youth revision is a replacement as advised by counsel

SUBJECT: WELLNESS

It is the policy of the Board of Education, pursuant to the Healthy, Hunger-Free Kids Act of 2010, that:

- a) Nutrition education shall be integrated into the district health curriculum at all academic levels consistent with the State's health education standards. The curriculum shall include the following goals:
 1. Increase students' nutritional knowledge, including, but not limited to, the benefits of healthy eating, essential nutrition, weight management, physical activity, safe food preparation, handling and storage.
 2. Increase students' understanding of food labels, nutritional information and misinformation as well as commercial food advertising.
- b) The benefits of physical activity shall be integrated into the district physical education curriculum and health curriculum at all levels and implemented within the school on a regular basis to meet the following goals:
 1. Time in the elementary school day for supervised recess.
 2. Opportunities and encouragement for students to voluntarily participate in the before and after school physical activity programs.
- c) The district shall provide food to students in accordance with State and Federal nutritional guidelines and include:
 1. A food service program that employs well prepared staff who serve appealing choices of nutritious food.
 2. Opportunities for staff to model healthy eating habits.
 3. A clean, safe, enjoyable meal environment for students.
- d) District Nutritional Guidelines for food prepared and served in the District shall be in accordance with the Nutrition Standards for School Meals, set from time to time, by the USDA Food and Nutrition Service. It shall be the responsibility of the Food Service Manager to ensure District compliance.

(continued)

SUBJECT: WELLNESS (continued)

- e) A plan for measuring implementation of this policy shall be created and monitored by the Superintendent or designee and the Board further designates the responsibility of ensuring the school district meets the criteria of this policy to the Superintendent. The plan shall include the following:
 - 1. Methods of reporting on program implementation;
 - 2. Methods for collection and evaluation of results of the program;
 - 3. Strategies for identifying weak areas of the program and means for improving those areas;
 - 4. Means for ensuring various components of the program are integrated within the basic operation of the district and are designed to reinforce one another and present consistent messages to student learning.
 - 5. Method for reporting to the public the outcome of the review of implementation of the process.
- f) Local Wellness Policies and Procedures shall be developed in conjunction with parents, students, representatives of the school food authority, physical education teachers and school health officials, representatives of the school administration, and members of the public.
- g) This policy shall be published from time to time to parents and students and shall be placed upon the District website.

~~The Elmira Heights Central School District is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity.~~

~~—The District has established a wellness committee to develop the District's proposed local wellness policy, making such policy recommendations for review and adoption by the Board of Education. The District Wellness Committee includes, but is not limited to, representatives from each of the following groups:~~

- ~~a) — Parents;~~
- ~~b) — Students;~~
- ~~c) — Physical Education teachers;~~
- ~~d) — School health professionals;~~

- e) ~~The District's food service program;~~
- f) ~~The School Board;~~
- g) ~~School administrators; and~~
- h) ~~Members of the public.~~

~~— The District Wellness Committee will also be responsible for assessing current activities, programs and policies available in the District, and providing mechanisms for implementation, evaluation, and revision of the policy. In so doing, the Wellness Committee will evaluate and make recommendations which reflect the specific needs of the District and its students.~~

Goals to Promote Student Wellness

~~— The District seeks to ensure all of its students obtain the knowledge and skills necessary to make nutritious food selections and enjoy life-long physical activity. To this end, the District sets forth the following goals relating to nutrition promotion and education, physical activity, and other school-based activities.~~

Nutrition Promotion and Education

- a) ~~Classroom Teaching: Nutrition topics will be integrated within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at every grade level, K through 12. Nutrition instruction will follow applicable New York State Standards and be designed to help students acquire:~~
 - 1. ~~Nutrition knowledge, including but not limited to: the benefits of healthy eating; essential nutrients; nutritional deficiencies; principles of healthy weight management; the use and misuse of dietary supplements; and safe food storage, handling, and preparation.~~

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- 2. ~~Nutrition related skills, including but not limited to: planning healthy meals; understanding and using food labels; critically evaluating nutrition information, misinformation, and commercial food advertising; assessing personal eating habits; and setting and achieving goals related to these concepts.~~
- b) ~~Education, marketing, and promotion~~
 - 1. ~~The District will promote school and community awareness of this policy through various means, such as a publication on the District website.~~
 - 2. ~~The District will encourage and promote wellness through social media, and newsletters~~

~~3. Marketing and advertising on school campuses during the school day will be consistent with nutrition education and health promotion. As such, schools will restrict food and beverage marketing to the promotion of those foods and beverages that meet the nutrition standards set forth by the Healthy Hunger-Free Kids Act's Smart Snacks in School Rule.~~

~~e) Additional provisions~~

~~1. Parents will be encouraged to send in healthy treats for classroom celebrations.~~

~~2. School personnel are strongly encouraged to consider healthy foods when using food as a reward or withholding food as punishment under any circumstance, including celebrating individual or classroom success.~~

Physical Activity

~~a) The Elmira Heights Central School District will provide opportunities for every student to participate in physical education and to be involved in physical activities. In doing so, the District aims to promote among students the development of knowledge and skills for specific physical activities, the maintenance of physical fitness, regular participation in physical activity, and an understanding of the short term and long term benefits from a physically active and healthy lifestyle.~~

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SUBJECT: ~~WELLNESS (Cont'd.)~~

~~b) The District will ensure that the following standards are met to achieve its goals relative to physical education and physical activity:~~

~~1. The District will have a Board approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in Section 135.4 of the Commissioner of Education's regulations.~~

~~2. The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will ensure:~~

- ~~(a) All physical education classes are taught or supervised by a certified physical education teacher.~~
- ~~(b) All physical education staff receive professional development on a yearly basis.~~
- ~~(c) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program.~~
- ~~(d) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 60% of physical education class.~~
- ~~(e) It provides adequate space and equipment for physical education and conforms to all applicable safety standards.~~
- ~~(f) A sequential physical education course of study consistent with national standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health related fitness.~~
- ~~(g) A physical and social environment is provided that encourages safe and enjoyable activity for all students, including those who are not athletically gifted.~~
- ~~(h) Activities are adapted to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the District will abide by specific provisions in 504 Plans and/or individualized education programs (IEP).~~
- ~~(i) All students, including students in need of adaptive physical education, will be encouraged to participate in physical fitness programs and competitions.~~

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SUBJECT: ~~WELLNESS (Cont'd.)~~

- ~~3. All students will be required to fulfill the physical education requirements set forth in the regulations of the Commissioner of Education as a condition of graduating from the District's schools.~~
- ~~e) All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity. Where weather and/or facilities allow, recess will be offered in a place that accommodates moderate to vigorous physical activity.~~

Other School-Based Activities

The District is committed to establishing a school environment that is conducive to healthy eating and physical activity for all. The District will, therefore, adopt the following standards:

a) — Federal School Meal Programs

1. — The District will participate to the maximum extent practicable in available federal school meal programs (including the School Breakfast Program, and National School Lunch Program). Food served through these programs will meet all applicable federal and state standards.
2. — The District will ensure that food service directors, managers, and staff are provided with annual professional development in the areas of food and nutrition consistent with USDA Professional Standards for State and Local Nutrition Programs. District food service staff will survey students/parents biannually to solicit feedback on the school breakfast and/or school lunch program(s).

b) — Access to School Nutrition Programs

The District will utilize a system of student payment that ensures all eligible students have access to free/reduced meals in a non-stigmatizing manner.

e) — Meal Environment

The District will ensure:

1. — School dining areas have sufficient space for students to sit and consume meals.
2. — School dining areas are clean, safe, and pleasant environments that reflect the social value of eating.

(Continued)

SUBJECT: — WELLNESS (Cont'd.)

3. — Enough serving areas are provided to ensure student access to school meals with a minimum of wait time.
4. — All students have a scheduled lunch period.
5. — Lunch times are scheduled near the middle of the school day.
6. — Students are given adequate time to eat healthy meals.

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~~7. — Students and staff have access to free, safe, and fresh drinking water throughout the school day and where school meals are served.~~

~~d) — Community Access to District Facilities for Physical Activities~~

~~School grounds and facilities will be available to students, staff, community members and organizations, and agencies offering physical activity and nutrition programs consistent with District policy, including provisions regarding conduct on school grounds and administrative approval of use by outside organizations.~~

~~e) — Community Partnerships~~

~~The District will *continue* relationships with community partners in support of this wellness policy's implementation. Existing and new community partnerships will be evaluated to ensure they are consistent with this policy and its goals.~~

Nutrition Guidelines

~~In an effort to encourage healthy life-long eating habits by providing foods that are high in nutrients, low in fat and added sugars, and of moderate portion size, the District Wellness Committee will recommend nutrition standards to be set for all foods and beverages available on school campus. For purposes of this section, the school day is defined as the period from the midnight before, to thirty (30) minutes after the end of the official school day.~~

School Meals

~~School meals will, at a minimum, meet the program requirements and nutrition standards of the School Breakfast and National School Lunch Programs.~~

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~~**SUBJECT: WELLNESS (Cont'd.)**~~

Fundraising

~~a) — All food and beverages sold as a fundraiser during the school day will meet the nutritional requirements listed in the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Rule.~~

Competitive Foods

~~a) — Competitive foods which include all foods and beverages sold outside the school meal programs, on the school campus in student accessible areas, and at any time during the school day will follow;~~

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at a minimum, the nutrition standards specified by the Healthy, Hunger Free Kids Act. These standards will apply to all foods and beverages sold individually and outside of the reimbursable school meal, including vending machines, school stores and cafeteria a la carte lines.

- b) Additionally, the District will not sell foods of minimal nutritional value in the student store, from a machine, or anywhere in the building from the beginning of the school day until the end of the last lunch period. Prohibited foods include: soda water, water ices (excluding ices containing fruit or fruit juices), chewing gum, hard candy, jellies, gums, marshmallow candies, licorice, fondants (soft mints, candy corn), cotton candy and candy coated popcorn.

Implementation and Evaluation of the Wellness Policy

- a) The District will establish an implementation and evaluation plan for this policy in order to monitor its effectiveness and the possible need for modification over time. To this end, the District designates the following individuals to have operational responsibility for ensuring that the District meets the goals and mandates of this policy:

Director Food Service / Wellness Committee Chair

- b) The District will annually report on the progress each of its schools has made toward meeting the goals of this policy. Such report will include:
1. The website address for the wellness policy and/or information on how the public can access a copy;
 2. A description of each school's progress in meeting the wellness policy goals;
 3. A summary of each school's local school wellness events or activities;

(Continued)

SUBJECT: ~~WELLNESS (Cont'd.)~~

4. Contact information for the leader(s) of the Wellness Committee; and
5. Information on how individuals can get involved in the Wellness Committee's work.

Such report will be provided to the Board of Education and also distributed to the Wellness Committee, parent teacher organizations, Building Principals, and school health services personnel within the District. The report will be available to community residents upon request.

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- e) ~~Assessments of the District's wellness policy and implementation efforts will be repeated on a triennial basis. The assessment will include:~~
 - 1. ~~Compliance with the wellness policy;~~
 - 2. ~~How the wellness policy compares to model wellness policies; and~~
 - 3. ~~Progress made in attaining the goals of the wellness policy.~~
- d) ~~The District will, as necessary, revise this wellness policy and develop work plans to facilitate its implementation.~~

~~42 USC Section 1758b~~

~~7 CFR Section 210.11~~

~~79 FR 10693~~

~~Education Law Section 915~~

~~8 NYCRR Section 135.4~~

Adoption Date: 04/24/2006

Revised: 06/09/2008

Revised: 06/11/2015

Revised: 00/00/2017

Feb 2017 recommendation to delete current and revise/replace with current language.

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

The No Child Left Behind Act of 2001 and Commissioner's Regulations allow a homeless child or, a person in a parental relationship to a homeless child or, when the homeless child is living in a shelter for runaway or homeless use, the Director of the shelter to designate this District as the District of attendance for the homeless child when this District is either the School District of current location, the School District of origin or is a School District participating in a Regional Placement Plan.

A homeless child or youth is defined in accordance with the No Child Left Behind Act and Commissioner's Regulations § 100.2 (x). The term homeless child, however, shall exclude children living in foster care or otherwise placed through a government agency into a family home at board, school for the mentally retarded, hospital or other institution for care, custody and treatment of children under the direction of the Department of Social Services, Office of Mental Health or the Division for Youth.

Homeless child and youth shall be entitled to access to District programs on the same basis as all other District students. Homeless student and youth shall be to the extent possible, integrated with non-homeless children.

Where the student is temporarily living in a Runaway and Homeless Youth (RHY) shelter outside of the school district the student has designated to attend, the RHY shelter may provide transportation and will be fully reimbursed by the New York State Education Department (NYSED). If the RHY shelter is unwilling or unable to provide transportation, the school district must provide transportation and will be fully reimbursed by NYSED

The School District designates _____ as the Local Educational Liaison for Homeless children and youth for the District. In addition to any other duties required by law, this person shall be responsible for reporting to the Board of Education on an annual basis the number of homeless children in the District, the placement of these children, and any suggestions for lowering any barriers to enrollment, attendance, school success and retention of homeless children and youth in the District.

Where the District receives a completed Commissioner's form designating the District as the school of attendance for a child and disputes issues relating to school enrollment or school selection of that student, the following shall occur:

1. The student shall be, immediately enrolled in the designated school.
2. Prior to making a final determination on the disputed issue, the Superintendent or Superintendent's designee shall afford the student or person in parental relation to the student an opportunity to submit information to the District addressing the disputed issue.
3. The Superintendent or Superintendent's designee shall render a decision in writing and provide a copy to the student or person in parental relation.

A written decision shall include an explanation of the school's decision and a statement regarding the right to appeal the decision to the Commissioner of Education as required by law.

The School District will collect and transmit to the Commissioner of Education in accordance with the Commissioner's rules, a report containing information the Commissioner determines necessary to assess the educational needs of homeless children and youths.

~~— The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Executive Law Article 19-H, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.~~

~~— Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:~~

- ~~a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;~~
- ~~b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;~~
- ~~c) Abandoned in hospitals;~~
- ~~d) Awaiting foster care placement; or~~

- ~~e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" includes a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.~~
- ~~f) A child or youth who has a primary nighttime location that is:
 - ~~1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Executive Law Article 19-H; or~~
 - ~~2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.~~~~

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SUBJECT: ~~EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)~~

- ~~g) Considered an "unaccompanied youth":
 - ~~1. An unaccompanied youth is a homeless child (for whom no parent or person in parental relation is available) or youth not in the physical custody of a parent or legal guardian.~~
 - ~~2. An unaccompanied youth **shall not include** a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the district.~~~~

~~The term "**homeless child**" shall not include a child in foster care or receiving educational services pursuant to Education Law Sections 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."~~

Enrollment, Retention and Participation in the Educational Program

~~Enrollment of homeless children shall not be delayed and their ability to continue or participate in~~

the educational program shall not be restricted due to issues such as:

- a) — Transportation;
- b) — Immunization requirements;
- e) — Residency requirements;
- d) — Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- e) — Guardianship issues;
- f) — Comprehensive assessment and advocacy referral processes;
- g) — Resolution of disputes regarding school selection;
- h) — Proof of social security numbers;
- i) — Attendance requirements;

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SUBJECT: — EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

- j) — Sports participation rules;
- k) — Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) — Other enrollment issues.

Educational Programs and Services

— The School District shall provide homeless children and youth with access to all of its programs, activities and services to the same extent that they are provided to resident students.

— Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the School District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the

school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the School District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

— All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from schoolwide and targeted assistance school programs.

Transportation

— If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation. Where a homeless student designates the school district of current location as the district the student will attend, then that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school.

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SUBJECT: ~~EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)~~

— Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided during the pendency of enrollment disputes. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

School District Liaison for Homeless Children and Youth

— The School District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

Training

— The District will train all school enrollment staff, secretaries, school counselors, school social workers, and Principals on the legal requirements for enrollment. School nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

Outreach

~~—The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).~~

Dispute Resolution

~~—The District shall establish procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the School District sends the student to a school other than the school of origin or the school requested by the parent or guardian. These disputes shall include, but are not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth.~~

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SUBJECT: ~~EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)~~

~~—If there is a factual dispute over whether a student is homeless, the District will immediately enroll the student and then provide the parent/guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the District and for a minimum of thirty (30) days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within thirty (30) days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.~~

Record and Reporting Requirements

~~—If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five (5) days.~~

~~—The School District shall maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.~~

~~—The District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.~~

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Students

~~McKinney-Vento Homeless Education Assistance Act, as reauthorized by the No Child Left Behind Act
of 2001, 42 United States Code (USC) Section 11431 et seq.
Education Law Sections 902(b) and 3209
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)~~

Adopted: 08/09/2004

Revised: 06/27/2005 (this revision was improperly numbered as 7160)

Revised: 08/25/2008

Revised: 00/00/2017