

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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SEP 28 1 18 PM '94
OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va. Const., Article XII, §2; W.Va. Code 18-2-5

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE XX

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§29A-3B-1, et seq.; W.Va. Board of Education v. Hechler
180 W.Va. 451, 376 S.E.2d 839 (1988)

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 86 (Policy 4321.1)

TITLE OF RULE BEING AMENDED: Standards for School Nutrition

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS October 28, 1994

Vicki A. Barone
Director, Legal Services

5.40

FISCAL NOTE WORKSHEET

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____
 SUBJECT School Nutrition Policy FUND Child Nutrition Funds
 SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) Federal USDA funds
 COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____
 INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$		
PERSONAL SERVICES	\$	\$			
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$ 0

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Proposed changes in policy do not reflect any further expenditures.

IMPACTS
FISCAL:

No negative economic impact.
 Approval of The recommended revisions will have no negative economic impact; possibly, a slight positive impact. Additionally, reasonable assurances exist that the meals will meet Dietary Guidelines. Revisions will facilitate policy implementation.

STATE
STAFF:

DATE

AGENCY

7/14/94
1074c/1

West Virginia Dept. of Education

AUTHORIZED REPRESENTATIVE

EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION

PROPOSED REVISION TO STANDARDS FOR SCHOOL NUTRITION
POLICY 4321.1

PUBLIC COMMENT PERIOD ENDS: August 15, 1994 Adopted _____

BACKGROUND:

Revisions of the Standards for School Nutrition are attached. Revisions reflect changes recommended by the Nutrition Advisory Council established by Policy 4321.1, Section 11.

PURPOSE:

The Nutrition Advisory Council is charged with the responsibility of keeping the West Virginia Board of Education apprised of current research findings in nutrition and assessing potential implications of findings for program development and implementation.

The recommended policy revisions reflect technical and editorial changes suggested by the Council. The recommended technical revisions result from a one-year pilot of nutrient standard menu planning using computer analysis of nutrient factors.

CONTENTS: —

Recommended revisions include the following:

- 1) Definition of bottled water.
- 2) Nutrient evaluation based upon a period of a "month" rather than a "week".
- 3) Clarification in quantity of dietary fiber.
- 4) Adjustment in requirement for fresh fruit or vegetables.
- 5) Clarification regarding whole grain bread/bread alternates.
- 6) Terminology revision of "meal" to "lunch."
- 7) Terminology revision of "enforcement systems" to "compliance evaluation."

IMPACT: —

Approval of the recommended revisions will have no negative economic impact; possibly, a slight positive impact. Additionally, reasonable assurances exist that the meals will meet Dietary Guidelines. Revisions will facilitate policy implementation.

Policy 4321.1: Standards for School Nutrition

The policy reflects standards as defined in the 1990 Dietary Guidelines for Americans that limit average fat, sodium and added sugar levels and increase dietary fiber and complex carbohydrates. The recommended policy revisions reflect technical and editorial changes suggested by the Nutrition Advisory Council. Suggested technical revisions resulted from a one-year pilot of nutrient standard menu planning using computer analysis of nutrient factors.

TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18-2
SERIES 86
POLICY 4321.1

Title: Standards for School Nutrition

SECTION 1. GENERAL

- 1.1 Scope - This legislative rule establishes nutrition standards for foods served and/or sold to students in schools during the school day. The procedures relate both to nutritional standards of school meals and additional snacks, including foods and beverages sold or served to students.
- 1.2 Authority and Related Code Citation(s) - WV Code 18-2-5 Constitution Article XII, §2.
- 1.3 Filing Date -
- 1.4 Effective Date -
- 1.5 Repeal of Former Rules - None - This is a revision of former rules filed in 1982.

SECTION 2. PURPOSE

- 2.1 Good nutrition enhances learning and the quality of life. This plan reflects an integrated approach to ensuring a school environment that promotes optimal nutrition for students. Successful dietary changes must occur gradually. The intent of the policy is to enable schools to continue to provide students with choices while implementing changes progressively. For this reason, the policy implementation follows a tiered approach with target dates specified for each tier.

SECTION 3. OPERATIONAL DEFINITIONS, FOOD SALES AND SERVICE

- 3.1 School day is defined as the time between the arrival of the first child at school and the end of the last scheduled instructional period.
- 3.2 Candy is defined as any food 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".

West Virginia Department of Education
Nutrition Standards for School Nutrition

- 3.3 Soft drinks as defined in Section 1, Article 19, Chapter 11 of the Code of West Virginia: (a) "Bottled Soft Drinks" that are all beverages, whether carbonated or not, or any preparations commonly referred to as "soft drinks" of whatever kind, that are closed and sealed in glass, paper or any other type of container, envelope, package or bottle, whether manufactured with or without the use of any syrup, and (b) any beverages, whether bottled or not, that are prepared from soft drink syrups and powders by the mixing thereof with carbonated or plain water, ice, fruit, milk or any other product suitable to make a soft drink. Except that flavored, fluid milk, as defined in regulations promulgated by USDA governing Child Nutrition Programs, and beverage mixtures that, in the finished product, contain at least 20 percent natural fruit or vegetable juices are not considered soft drinks.
- 3.4 Chewing gum is defined as a preparation of chicle or other plastic substance sweetened and/or flavored for chewing.
- 3.5 Flavored ice bar is defined as a frozen confection consisting of water mixed with flavored syrups and/or powders, sugars and/or other sweetening agents, binders, stabilizers and/or emulsifiers.
- 3.6 Other foods are defined as any food or beverage, other than those served as part of the school meal, including snacks from vending machines, and foods sold during school hours for fund-raising purposes and foods for parties. Other foods do not include those brought to school by individual students for their own consumption.
- 3.7 Enrollment is defined as "head count".
- 3.8 Bottled water is defined as "water, bottled drinking water 100% pure natural spring water containing no additives".

SECTION 4. NUTRITION STANDARDS FOR SCHOOL NUTRITION PROGRAMS

All foods or beverages made available on school premises during the school day must meet the requirements of this policy.

County Boards of Education shall select for each school one of two implementation options for lunch: Option A (4.1), based on existing USDA meal patterns plus nutrient analysis standards; or Option B (4.2), on a WVDE Lunch Meal Pattern standard, following a phase-in approach identified as Tier I, Tier II and Tier III. The Breakfast Meal Pattern proposes a single implementation option (4.3). After-school programs which provide supplemental meals to children shall comply with standards of the policy. The sale or service of foods containing 40% or more added sugar by weight is prohibited (3.2).

No candy, soft drinks, chewing gum or flavored ice bars will be sold or served. No foods or beverages containing 40% or more sugar by weight will be sold or served. Any juice or juice product sold or served must contain a minimum of 20% real juice.

By 1994, all "other foods" available during the instructional day shall reflect the Dietary Guidelines for fat by limiting the number of fat grams to not more than 8 per one ounce serving, or meet the USDA standard for a meal lunch component.

West Virginia Department of Education
 Nutrition Standards for School Nutrition

SECTION 4.1 LUNCH IMPLEMENTATION OPTION A

TIER I by 1993	TIER II by 1994	TIER III by 1995
<p>Recommend that school lunches meet existing USDA meal pattern requirements and averaged over a period of one week month, provide:</p> <ul style="list-style-type: none"> • at least one-third of students' RDAs for calories, protein, calcium, iron, thiamine, vitamins A and C <p style="text-align: center;">and</p> <ul style="list-style-type: none"> • limited calories from fat (range of 30 to 35 percent) <p style="text-align: center;">and</p> <ul style="list-style-type: none"> • limited sodium (1100 mgs maximum) <p style="text-align: center;">and</p> <ul style="list-style-type: none"> • <u>increased at least 6g of naturally occurring dietary fiber</u> (7-10-gms-for older-children) <p style="text-align: center;">and</p> <ul style="list-style-type: none"> • offer water 	<p>Require that school lunches meet Tier I recommendations</p> <p>Require additional foods be provided to pregnant or lactating students so that breakfast and lunch together, or in combination with a snack, provide:</p> <ul style="list-style-type: none"> • a total of 5 oz. of protein foods, 1 oz. of which shall be 1 oz. cheese, 1 cup yogurt or 8 oz. fluid milk; • 3 servings from the grain group, preferably from whole grains; • 1 - 1/4 cups from the fruit and vegetable group; and • 16 oz. from milk group. <p>In these additional foods, the following option shall be allowed:</p> <ol style="list-style-type: none"> 1) 1 cup of fruit in place of one serving of the grain group once a week. 	<p>Same as Tier II, except limit calories from fat to no more than 30%</p>

West Virginia Department of Education
Nutrition Standards for School Nutrition Programs

SECTION 4.2 LUNCH IMPLEMENTATION OPTION B

COMPONENT	TIER I by 1993		TIER II by 1994***		TIER III by 1995	
	Grades K-3	Grades 4-12	Grades K-3	Grades 4-12	Grades K-3	Grades 4-12
FRUIT OR VEGETABLE** • offer fresh produce whenever possible	1/2 cup (at least 1/4 cup fresh 3 times/week)	3/4 cup (at least 1/4 cup fresh 3 times/week)	3/4 cup (at least 1/4 cup fresh 3 times/week)	3/4 cup (at least 1/4 cup fresh 5 times/week)	1 cup (at least 1/4 cup fresh daily 5 times per week)	1 1/4 cup (at least 1/4 cup fresh daily 5 times per week)
	1 1/2 oz.	2 oz.	1 1/2 oz.	2 oz.	1 1/2 oz.	2 oz.
MEAT/MEAT ALTERNATE • emphasize lean and lower sodium choices • serve dried beans, dried peas or lentils as meat/meat alternate choice at least once/week	(at least 1/4 cup dried beans, dried peas or lentils/week = 1/2 oz. M/MA)	(at least 1/4 cup dried beans, dried peas or lentils/week = 1/2 oz. M/MA)	(at least 1/2 cup dried beans, dried peas or lentils/week)	(at least 1/2 cup dried beans, dried peas or lentils/week)	(at least 1/2 cup dried beans, dried peas or lentils/week)	(at least 1/2 cup dried beans, dried peas or lentils/week)
BREAD/BREAD ALTERNATE ** • emphasize whole grain products	2/day or 10/week (at least 3 servings/week are whole grain or all B/BAs contain at least 25% whole grain)	2/day or 10/week (at least 3 servings/week are whole grain or all B/BAs contain at least 25% whole grain)	2 1.5/day or 10/week (at least 5 servings/week are whole grain or all B/BAs contain at least 33% whole grain)	2 1.5/day or 12/week (at least 5 servings/week are whole grain or all B/BAs contain at least 33% whole grain)	2 1.5/day or 12/week (at least 5 servings/day grain or all B-BAs contain at least 33% whole grain)	2 1.5/day or 12/week (at least 5 servings/day grain or all B-BAs contain at least 33% whole grain)
MILK • offer lower fat choices	8 fl. oz.	8 fl. oz.	8 fl. oz. *offer only milk with 2% or less butterfat	8 fl. oz. *offer only milk with 2% or less butterfat	8 fl. oz. *offer only milk with 2% or less butterfat	8 fl. oz. *offer only milk with 2% or less butterfat
WATER • Encourage adequate water consumption	offer water	offer water	offer water	offer water	offer water	offer water

* Requires prior approval from USDA

** Snack Option may be chosen (see 7.1).

***Require additional foods for pregnant and lactating students as specified in "Lunch Implementation Option A"

West Virginia Department of Education
Nutrition Standards for School Nutrition Programs

SECTION 4.3 BREAKFAST IMPLEMENTATION OPTION

COMPONENT	TIER I by 1993 Grades K-12	TIER II by 1994*** Grades K-12	TIER III by 1995 Grades K-12
MILK • offer lower fat choices	8 fl. oz.	8 fl. oz. *offer only milk with 2% or less butterfat	8 fl. oz. *offer only milk with 2% or less butterfat
FRUIT/VEGETABLE** • offer daily a fruit, juice or vegetable that is a good source of vitamin C	1/2 cup	1/2 cup	1/2 cup
MAY CHOOSE ONE SERVING FROM EACH OF THE FOLLOWING COMPONENTS OR TWO SERVINGS FROM ONE			
BREAD/BREAD ALTERNATE** • offer whole grain varieties often	1 or 2 servings	1 or 2 servings	1 or 2 servings
MEAT/MEAT ALTERNATE • encourage low-fat and low-salt choices	1 serving recommended	1 serving recommended	1 serving recommended

* Requires prior approval from USDA

** Snack Option may be chosen (see 7.1).

***Require additional foods for pregnant and lactating students as specified in "Lunch Implementation Option A"

West Virginia Department of Education
Nutrition Standards for School Nutrition Programs

SECTION 4.4 NUTRITION STANDARDS FOR OTHER FOODS CONSUMED AT SCHOOL

TIER I by 1993 Grades K - 12	TIER II by 1994 Grades K-12	TIER III by 1995 Grades K-12
<p>Develop or expand meal service options to improve accessibility of school meals and acceptability of school meals for all students.</p> <p>Recommend that all "other foods" available during the school day reflect the Dietary Guidelines for fat by limiting the number of fat grams to not more than 8 per one ounce serving, or meet the USDA standard for a meal lunch component.</p> <p>No candy, soft drinks, chewing gum or flavored ice bars will be sold or served. No foods or beverages containing 40% or more sugar by weight will be sold or served. Any juice or juice product sold or served must contain a minimum of 20% real juice.</p>	<p style="text-align: center;">Tier I Standards</p> <p>Continue meal service options to ensure accessibility of school meals and acceptability of school meals for all students.</p> <p>Require that all "other foods" available during the instructional day reflect the Dietary Guidelines for fat by limiting the number of fat grams to not more than 8 per one ounce serving, or meet the USDA standard for a meal lunch component.</p>	<p style="text-align: center;">Tier II Standards Continued</p>

SECTION 5. A LA CARTE SALES

Only meal components may be sold as a la carte items for breakfast, and only fluid milk, and milkshakes and bottled water may be sold as a la carte items for lunch.

SECTION 6. AVAILABILITY OF DRINKING WATER

All student dining facilities shall contain a drinking water receptacle, or water shall be offered with meals for student consumption.

SECTION 7. ADEQUATE TIME FOR MEAL CONSUMPTION

Adequate time shall be allowed for student meal consumption. Minimum time allowance (eating time for each student after being served the meal) for student consumption of meals shall be ten minutes for breakfast and twenty minutes for lunch.

7.1 Snack Options For Meals

Schools may choose to allow adequate time for consumption of increased volume of food by extending the meal period or by providing a snack under the following stipulations:*

- 7.1.1 The snack is offered as a separate item at breakfast or lunch for consumption later.
- 7.1.2 The snack item may be a single serving of bread/bread alternate, fruit or vegetable.
- 7.1.3 If the snack option is chosen, school administrators and teachers should support this effort by providing students with the time and opportunity to eat these snacks during the day.
- 7.1.4 Timing of the snack should be determined by individual school choosing this option.
- 7.1.5 The price of the meals may not be increased solely as a result of choosing this option. (Note: No federal reimbursements exist for snacks outside the lunch or breakfast meals.)
- 7.1.6 Schools choosing this snack option may elect to sell the same snack foods to students who do not purchase a school meal.

* Prior USDA approval is required to provide the fruit/vegetable snack option for lunch in Tiers II and III.

SECTION 8. COMPLIANCE/ACCOUNTABILITY

County boards of education and local school administrators shall provide a nutritionally healthful school environment for students and accountability for all funds from food and beverage sales. ~~Enforcement-- systems~~ Compliance evaluation shall include, but ~~are~~ is not limited to:

West Virginia Department of Education
Nutrition Standards for School Nutrition

- 8.1 The Performance Based Accreditation System that includes (a) specified compliance standard(s) and verification procedures.
- 8.2 Monitoring sales and service of "other foods". Sanctions for non-compliance shall include transfer of purchasing authority for food and beverage items from the school to the county level.

SECTION 9. STAFFING

Since the availability of a full-time nutrition director at the county level is desirable for centralizing operations, developing and monitoring compliance with specification for foods, especially entrees, implementing the Dietary Guidelines, local district accountability, and for nutrition education and training, it is recommended that each county assign a qualified full-time nutrition director by 1993-94.

Suggested staffing shall be determined by tier level in implementation of Dietary Guidelines, i.e., Tier I, Tier II, or Tier III.

9.1 Tier I suggested staffing:

- 9.1.1 One full-time qualified county director of nutrition services, and
- 9.1.2 one secretary for food services at county level with a minimum of 220 days employment.

9.2 Tiers II and III suggested staffing:

- 9.2.1 one full-time qualified county director of nutrition;
- 9.2.2 one assistant nutrition services director for each county where enrollment exceeds 10,000 students; and
- 9.2.3 two secretaries or one secretary and one clerk for food service operations at the county level where enrollment exceeds 10,000 students.

9.3 Operational Definitions Relative To Staffing

- 9.3.1 Full-time is defined to mean a minimum of 220 days employment with exclusive nutrition program responsibilities.
- 9.3.2 A qualified county director of nutrition shall have a minimum of a baccalaureate degree in professional education or in home economics, nutrition, dietetics, or equivalent experience, and shall have experience in food service management, business management, classroom teaching in nutrition, or experience as a member of the NET cadre. In counties where a full-time food service supervisor, coordinator or director has been employed before July, 1992, and whose job responsibilities have been as listed above, that person shall be considered qualified as long as the person remains in the present position.

West Virginia Department of Education
Nutrition Standards for School Nutrition

SECTION 10. COMPREHENSIVE COUNTY PLAN TO ADDRESS HEALTH AND NUTRITION RE-EDUCATION

A comprehensive county plan shall be developed with the purpose of linking nutrition service and curriculum by establishing a wellness environment in schools, providing professional development and establishing an on-going evaluation process.

Development of the plan shall involve a broad spectrum of the school and community including health care providers, food service personnel, teachers, students and educational administrators.

SECTION 11. NUTRITION ADVISORY COUNCIL

A broad-based Nutrition Advisory Council shall be established by the West Virginia Department of Education for the purposes of keeping the West Virginia Board of Education apprised of current research findings in nutrition and assessing potential implications of findings for program development and implementation.

SECTION 12. EVALUATION COMPONENT

An evaluation/assessment component shall be established by the West Virginia Department of Education for the purpose of determining the effectiveness of this policy.

COMMENTS AND SUGGESTIONS LOG
POLICY 4321.1: STANDARDS FOR SCHOOL NUTRITION
August, 1994

ACTION TYPE
 N: No Response -Negative
 NA: Not Accepted +Positive
 A: Accepted oNeutral

DATE	INDIVIDUAL/ORGANIZATION	COMMENTS/SUGGESTIONS	ACTION	TYPE	RATIONALE
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SECTION 3.8 - Operational Definitions, Bottled Water

08/01/94	Nancy Marzano Hancock County Sinclair Avenue Weirton, WV 26062	This statement is OK.	+		
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08/08/94	Martha Hill Boone County Schools 69 Avenue B Madison, WV 25130	Policy revision which defines "bottled water" for use and/or sale in our schools is supported.	+		
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SECTION 4 - Nutrition Standards For School Nutrition Programs

08/01/94	Nancy Marzano Hancock County Sinclair Avenue Weirton, WV 26062	This is a clear statement.	+		
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08/08/94	Martha Hill Boone County Schools 69 Avenue B Madison, WV 25130	Policy revision specifying "lunch" instead of "meal" for this requirement appears to have no negative impact on our program operations.	+		
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SECTION 4.1 - Lunch Implementation Option A

08/08/94	Martha Hill Boone County Schools 69 Avenue B Madison, WV 25130	We support the policy change which allows the nutritional value of school meals to be averaged over a period of one month. Establishing a minimum requirement for fiber is consistent with standards for other nutrients.	+	
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SECTION 4.2 - Lunch Implementation Option B

08/01/94	Nancy Marzano Hancock County Sinclair Avenue Weirton, WV 26062	I am recommending that 10 servings of Bread/Bread alternate be served to Grades 4-12. It is especially hard to do when there is one menu for all the schools. Also the menu becomes sloppy trying to get enough bread products on menu. Also I noticed I had to use a lot of breaded products. I would like to use more grilled items to lower the fat but it is hard to do.	+ -	Recommended revisions would reduce the bread/bread alternate requirement to 10 servings per week for grades K-3. The nutrition advisory committee is retaining the previously approved provision of 12 servings bread/bread alternate per week for grades 4-12 in order to ensure adequate calories for older students and to maintain the proper balance of calories from fat, carbohydrates and protein.
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08/08/94	Martha Hill Boone County Schools 69 Avenue B Madison, WV 25130	Reducing the bread requirement for younger children and revising the whole grain requirement to a 33% level is appreciated. Food quantity requirements must be reasonable for the ages of the children and food acceptability must be a primary consideration or children will not eat at all.	+	
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SECTION 5 - A La Carte Sales

08/01/94	Nancy Marzano Hancock County Sinclair Avenue Weirton, WV 26062	OK.	+	
08/08/94	Martha Hill Boone County Schools 69 Avenue B	We have no objection to the addition of bottled water to the list of items permitted to be sold in dining areas during meal periods.	+	

DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPE RATIONALE

Madison, WV 25130

SECTION 8 - Policies Compliance

- 08/01/94 Nancy Marzano 8.2 should be in more detail and also be addressed to all +
Hancock County superintendents.
- 08/08/94 Martha Hill Terminology revision is supported. +
Boone County Schools
69 Avenue B
Madison, WV 25130
- 07/25/94 Anonymous Here's a vote for Policy 4321.1 and what it achieves for mankind. +

Unrelated Comment

- 08/18/94 Arnold W. Harless Section 9, paragraph 9.3.2, page 8 on PROPOSED REVISION 0
St. Rt. HC 65, Box 299 TO STANDARDS FOR SCHOOL NUTRITION POLICY 4321.1
Clear Fork, WV 24822

I wish to call your attention to Page 8, SECTION 9, paragraph 9.3.2. which relates to qualifications for county director of nutrition and reads thusly: A qualified county director of nutrition shall have a minimum of a baccalaureate degree in professional education or in home economics, nutrition, dietics, or equivalent experience.....

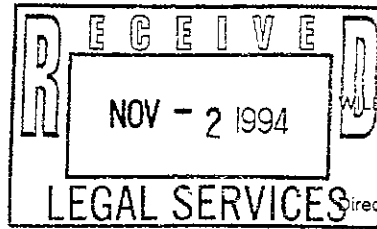
My question is: what is equivalent experience in the context of this job qualification? Would this mean a person who has served as a school lunch manager, managed a restaurant or some other type of food service establishment? If so, would equivalent experience be substituted for a baccalaureate degree in professional education or for experience as a classroom teacher, nutritionists, etc? I would strongly recommend that consideration be given to either clearly defining equivalent experience or removing it entirely from the paragraph. I would opt for the latter.

My second concern relates to the latter part of the same paragraph beginning with line 4 and reads: and shall experience in food service management, business management, classroom teaching in nutrition, or experience as a member of the NET CADRE.

For clarification, I would suggest that the word either be inserted between have and experience so that the sentence would read: Have either experience in food service management, business management, classroom teaching in nutrition, or experience as a member of the NET CADRE.

As the sentence now reads it would seem to indicate that the employee would be required to have experience in the first three or the last one in order to qualify.

I believe the concerns indicated above should be clearly defined in order for administrators and boards of education to be able to properly evaluate qualifications and experience.



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

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Charleston, WV 25305-0770

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

TO: Vic Barone

AGENCY: Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: November 1, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

OFFICE OF THE SECRETARY OF STATE
NOV 17 10 17 AM 1994
FILED

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 85-286 TITLE: 126 Education

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Harriet Deel

TITLE OF PERSON SIGNING: Director, office of Child Nutrition

DATE: 11/15/94

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.