

WEST VIRGINIA  
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

2001 AUG 10 P 4: 10

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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. Constitution, Article XII, §2, W.Va. Code §18-2-5

RULE TYPE: PROCEDURAL XX INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE X

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

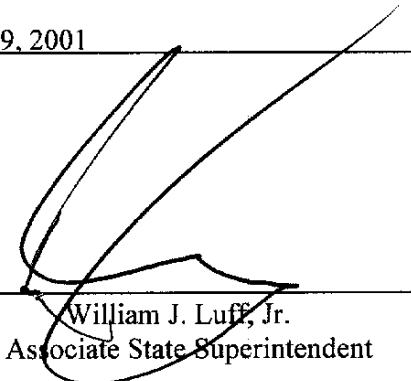
TITLE OF RULE BEING AMENDED: Policies of Operation Manual Child Nutrition Programs

(4321.1)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS September 9, 2001

  
\_\_\_\_\_  
William J. Luff, Jr.  
Associate State Superintendent

## EXECUTIVE SUMMARY

### STANDARDS FOR SCHOOL NUTRITION POLICY

Series 86, Policy 4321.1

FILED

2001 AUG 10 P 4: 11

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

#### BACKGROUND:

Standards for School Nutrition establishes standards for foods served and/or sold to students in schools during the school day. The policy sets forth management and meal service practices based upon an integrated approach to school-wide nutrition integrity. Staffing recommendations include minimum qualifications for county nutrition program directors.

#### PURPOSE:

A qualified school nutrition program director is essential in planning and managing school nutrition programs, including centralizing operations, developing and monitoring compliance with Standards for School Nutrition, implementing the Dietary Guidelines for Americans, ensuring district accountability and implementing nutrition education and training programs. The proposed policy revision establishes requirements for the position of school nutrition program director.

#### CONTENTS:

Proposed revisions reflect the following changes:

1. Requires each county superintendent to designate a school nutrition director beginning 2002-2003 school year;
2. Requires authorization for school nutrition directors;
3. Establishes requirements for initial school nutrition director authorization;
4. Establishes requirements for renewal of the authorization; and
5. Changes references to "qualified county director of nutrition" to "authorized school nutrition program director."

#### IMPACT:

Proposed revisions will help to ensure that school nutrition program directors possess the knowledge and skills required for effective management and attainment of high nutrition standards set forth in this policy. No additional financial outlay is required.

**TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION**

**SERIES 86  
STANDARDS FOR SCHOOL NUTRITION (4321.1)**

**§126-86-1. 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 - W. Va. Constitution, Article XII, §2 and W. Va. Code §18-2-5.

1.3. Filing Date - . August 10, 2001

1.4. Effective Date - . September 9, 2001

1.5. Repeal of Former Rules - None - This is a revision of former rules filed in 1982 and revised in 1992, 1994 and 1997.

**§126-86-2. 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.

**§126-86-3. 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".

3.3. For the purposes of this policy "soft drinks" shall mean the same as "bottled soft drinks" as defined in Section 1, Article 19, Chapter 11 of the Code of West Virginia.

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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."

3.9. High School - for the purposes of this rule, "high school" shall be defined as a school with a grade configuration of 9-12, 10-12 or 11-12.

**§126-86-4. Nutrition Standards For School Nutrition Programs.**

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

4.2. County Boards of Education shall select for each school a USDA approved meal option that meets the Dietary Guidelines or one of two implementation options for lunch: Option A (4.1), based on 1994-95 meal patterns plus nutrient analysis standards; or Option B (4.2), on a WVDE Lunch Meal Pattern standard. 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).

4.3. No candy, soft drinks, chewing gum or flavored ice bars will be sold or served during the school day, except that, county boards may permit the sale of soft drinks in county high schools except during breakfast and lunch periods. The sale of such soft drinks shall be in compliance with the rules of the National School Lunch Program and the School Breakfast Program of the State Board and the nutrition service of the United States Department of Agriculture. Seventy-five percent of the profits from the sale of soft drinks shall be allocated by a majority vote of the faculty senate of each school and twenty-five percent of the profits from the sale of soft drinks shall be allocated to the purchases of necessary supplies by the principal of the school. No foods 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.

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4.4. 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 lunch component.

4.5. Lunch Implementation Option A\*.

4.5.1. School lunches shall meet 1994-95 USDA meal pattern requirements and averaged over a period of one week or one month, provide:

- a. at least one-third of students' RDAs for calories, protein, calcium, iron, vitamins A and C;
- b. limit calories from fat to no more than 30% and saturated fat to less than 10%;
- c. limit sodium to no more than 1100 mgs;
- d. at least 6g of naturally occurring dietary fiber; and
- e. offer water.

4.5.2. Require additional foods be provided to pregnant or lactating students so that breakfast and lunch together, or in combination with a snack, provide:

- a. 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;
- b. 3 servings from the grain group, preferably from whole grains;
- c. 1 1/4 cups from the fruit and vegetable group, and
- d. 16 oz. from milk group.

4.5.3. In these additional foods, the following option shall be allowed:

- a. 1 cup of fruit in place of one serving of the grain group once a week.

4.5.4. \*The option to combine nutrient analysis of breakfast and lunch programs is allowable provided that such analysis is proportionate to the levels of participation in the two programs and in accordance with USDA guidance.

## 4.6. Lunch Implementation Option B \*\*\*.

COMPONENT	Grades K-3	Grades 4-12
<b>FRUIT OR VEGETABLE**</b> <ul style="list-style-type: none"> <li>offer fresh produce whenever possible</li> </ul>	<b>1 cup</b> (At least 1/4 cup fresh 5 times/week)	<b>1 1/4 cup</b> (at least 1/4 cup fresh 5 times/week)
<b>MEAT/MEAT ALTERNATE</b> <ul style="list-style-type: none"> <li>emphasize lean and lower sodium choices</li> <li>serve dried beans, dried peas or lentils at least once/week</li> </ul>	<b>1 1/2 oz.</b> (at least 1/2 cup dried beans, dried peas or lentils/week)	<b>2 oz.</b> (at least 1/2 cup dried beans, dried peas or lentils/week)
<b>BREAD/BREAD ALTERNATE**</b> <ul style="list-style-type: none"> <li>emphasize whole grain products</li> </ul>	<b>1.5 day and 10/week</b> (at least 5 servings/week contain at least 33% whole grain or 5g whole grain per 1 oz.)	<b>1.5 day and 12/week****</b> (at least 5 servings/week contain at least 33% whole grain or 5g whole grain per 1 oz.)
<b>MILK</b> <ul style="list-style-type: none"> <li>offer lower fat choices</li> </ul>	<b>8 fl. oz.</b> offer only milk with 2% or less butterfat*	<b>8 fl. oz.</b> offer only milk with 2% or less butterfat*
<b>WATER</b> <ul style="list-style-type: none"> <li>encourage adequate water consumption</li> </ul>	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".

\*\*\*\* When 12 servings of bread are served per week, a total of two of the bread servings, but not more than one per day, may be grain-based desserts.

## 4.7. Breakfast Implementation Option \*\*.

COMPONENT	Grades K-12
<b>MILK</b> <ul style="list-style-type: none"> <li>• Offer lower fat choices</li> </ul>	8 fl. oz. <ul style="list-style-type: none"> <li>• offer only milk with 2% or less butterfat*</li> </ul>
<b>FRUIT/VEGETABLE</b> <ul style="list-style-type: none"> <li>• offer daily a fruit, juice or vegetable that is a good source of vitamin C</li> </ul>	1/2 cup
<b>MAY CHOOSE ONE SERVING FROM EACH OF THE FOLLOWING COMPONENTS OR TWO SERVINGS FROM ONE</b>	
<b>BREAD/BREAD ALTERNATE</b> <ul style="list-style-type: none"> <li>• offer whole grain varieties often</li> </ul>	1 or 2 servings
<b>MEAT/MEAT ALTERNATE</b> <ul style="list-style-type: none"> <li>• encourage low-fat and low-salt choices</li> </ul>	1 serving recommended

\* Requires prior approval from USDA.

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

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4.8. Nutrition Standards For Other Foods Consumed At School (K-12).

4.8.1. Develop or expand meal service options to improve accessibility of school meals and acceptability of school meals for all students.

4.8.2. Require 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 ounce serving, or meet the 1994-95 USDA standard for a lunch component.

4.8.3. No candy, soft drinks, chewing gum or flavored ice bars will be sold or served during the school day, except that, county boards may permit the sale of soft drinks in county high schools except during breakfast and lunch periods. The sale of such soft drinks shall be in compliance with the rules of the National School Lunch Program and the School Breakfast Program of the State Board and the nutrition service of the United States Department of Agriculture. Seventy-five percent of the profits from the sale of soft drinks shall be allocated by majority vote of the faculty senate of each school and twenty-five percent of the profits from the sale of soft drinks shall be allocated to the purchases of necessary supplies by the principal of the school. No foods 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.

**§126-86-5. A La Carte Sales.**

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

**§126-86-6. Availability Of Drinking Water.**

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

**§126-86-7. Adequate Time For Meal Consumption.**

7.1. 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.

**7.1.1. 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:\* (Note: Prior USDA approval is required to provide the fruit/vegetable snack option for lunch.)

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- a. The snack is offered as a separate item at breakfast or lunch for --- consumption later.
- b. The snack item may be a single serving of bread/bread alternate, fruit or vegetable.
- c. 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.
- d. Timing of the snack should be determined by individual school choosing this option.
- e. 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).
- f. Schools choosing this snack option may elect to sell the same snack foods to students who do not purchase a school meal.

### **§126-86-8. Compliance/Accountability.**

8.1. 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. Compliance evaluation shall include, but is not limited to:

8.1.1. The Performance Based Accreditation System that includes specified compliance standard(s) and verification procedures.

8.1.2. 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.

### **§126-86-9. Staffing.**

9.1. Each county superintendent shall designate a school nutrition program director. Beginning with assignments made for the 2002-2003 school year, the school nutrition director must hold an Authorization endorsed for School Nutrition Program Director. An individual who is assigned as a school nutrition program director for the 2002-2003 school year shall be issued, upon recommendation from the county superintendent, an Authorization to continue working in this capacity AND shall renew such Authorization annually.

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9.1.1. The applicant for initial authorization must provide evidence of satisfying the following:

a. A minimum of a bachelor's degree with a 2.5 overall GPA and at least six semester hours of course work in nutrition, foods, and/or food service management; AND

b. Receive the recommendation of the county superintendent verifying that the applicant is the most qualified candidate for the position.

9.1.2. The authorization shall be valid for one school year and shall expire on June 30.

9.1.3. The applicant for renewal of the Authorization for School Nutrition Program Director must provide evidence of satisfying the following:

a. Completion of 15 clock hours of in-service credit related to Child Nutrition Programs and offered or approved by the West Virginia Department of Education; AND

b. Recommendation of the superintendent in the county in which the applicant is or was employed.

9.2. Since the availability of a full-time school nutrition program 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 full-time school nutrition director.

9.2.1. Suggested staffing:

a. One full-time authorized school nutrition program director;

b. One assistant school nutrition program director for each county where enrollment exceeds 10,000 students; and

c. Two secretaries or one secretary and one clerk for food service operations at the county level where enrollment exceeds 10,000 students.

9.2.2. Operational Definitions Relative To Staffing.

a. full-time is defined to mean a minimum of 220 days employment with exclusive nutrition program responsibilities.

**§126-86-10. Comprehensive County Plan To Address Health And Nutrition Re-Education.**

10.1. 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.

10.2. 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.

**§126-86-11. Nutrition Advisory Council.**

11.1. 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.

**§126-86-12. Evaluation Component.**

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

## FISCAL NOTE WORKSHEET

(Submit 4 Copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT Standards for School Nutrition, Policy 4321.1 FUND General

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST OF ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

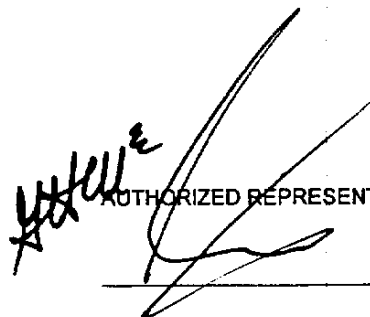
SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INLUCING  
LONG-RANGE EFFECTS

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

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

DATE \_\_\_\_\_

AGENCY West Virginia Department of Education

  
 AUTHORIZED REPRESENTATIVE

**POLICY 4321.1 STANDARDS FOR SCHOOL NUTRITION  
COMMENT LOG  
August 9, 2001**

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

Date	Individual/Organization	Comments	Type/ Action	Rationale
<b>126-86-9. Staffing</b>				
07/03/01	Delores Ranson Assistant Superintendent Jackson County Schools PO Box 770 Ripley, WV 25271	<p>9.1 Does <i>designate</i> mean that a person already employed can be named school nutrition director without posting, or does the position have to be created and posted? A school nutrition director is needed in our county, yet we have many staffing needs such as additional school nurses, counselors, etc. It's most unlikely that a new position would be created if there were an option.</p> <p>9.1.1 Will this position be considered a professional position or a school service personnel position? If it is a service personnel position, what will be the established pay grade?</p> <p>9.2.1. Suggested staffing: With the passage of this policy will counties be required to have a school nutrition director, or is it just suggested that counties have a school nutrition director?</p>	O/N	Comments do not address proposed revision.
07/04/01	Mindy Weaver, R.D. <a href="mailto:melinda.weavermsrd@worldnet.att.net">melinda.weavermsrd@worldnet.att.net</a>	<p>9.1.1.a. I appreciate seeing the required 6 semester hours of course work related to nutrition, foods, and/or food service management. It is inadequate to qualify an individual to deal with the responsibilities of this position.</p> <p>9.1.3.a. It would seem appropriate to expand the inservice training requirement to include offerings beyond those offered by WVDE.</p>	-/NA	Recognizing authorization renewal credits for inservice offered or approved by WVDE will provide adequate assurance that Child Nutrition Program related training is completed.
07/04/01	Peg Andrews, R.D. Nutrition Services Consultant <a href="mailto:Peg.Andrews@camcare.com">Peg.Andrews@camcare.com</a>	<p>9.1.1.a. I commend requiring rather than recommending qualifications for directors, however with only six hours of nutrition a business major would be as qualified for the position as a dietetics major.</p>	+/N	
07/06/01	Arnold K. Vaughn, RD, LD General Manager of Nutrition Services Raleigh General Hospital 1710 Harper Road Beckley, WV 25801	<p>9.1. Two nutrition classes are insufficient preparation for this position I have concerns that this should read: a minimum of a bachelor's in professional education or in home economics, nutrition, dietetics, or equivalent experience with a 2.5 overall GPA, etc.</p> <p>9.1.3. I have concerns that this should read: completion of 15 clock hours <u>annually</u> of in-service credit related to Child Nutrition Programs, etc.</p>	-/NA	
07/09/01	Susan M. Pointdexter, MS, RD, LD 802 Nense Drive Charleston, WV 25312	<p>4.5.1.b Recommend change percent of calories from saturated fat from 10 to 7 percent.</p> <p>9.1.1.a. Recommend the school nutrition program be directed by a registered/licensed dietitian.</p>	O/NA	Comments do not address proposed revision.

**POLICY 4321.1 STANDARDS FOR SCHOOL NUTRITION  
COMMENT LOG  
August 9, 2001**

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

Date	Individual/Organization	Comments	Type/ Action	Rationale
07/09/01	David B. Weekly, Director Ritchie County Schools 134 South Penn Ave. Harrisville, WV 26362	9.1.1.a. A degree in administration is minimized. A bachelors degree with nutrition becomes more important. 9.1.2.a. Nutrition requirements will be difficult to get for directors in small counties who have multiple responsibilities.	-/NA	
07/10/01	Beverly E. Blough, MS, RD, LD Wood County Schools 1210 13 <sup>th</sup> Street Parkersburg, WV 26101	9.1.3.a. Recognize authorization renewal credit, not only for inservice training offered by WVDE, but also for training approved by WVDE.	+/A	Recognizing authorization renewal credits for inservice offered or approved by WVDE will provide adequate assurance that Child Nutrition Program related training is completed.
07/11/01	Dr. Margaret Lavery, Member State Nutrition Advisory Committee Bmpes@aol.com	From the policy provided you are establishing qualifications for the county nutrition program director or is this called a school nutrition director. In the purpose on the executive summary page, both names are used. Also in the purpose, I think it would be helpful to briefly tell the scope of this position.	0/A	For consistency and clarity, change county nutrition program director to school nutrition program director.
7/13/01	Rhonda McCoy Nutrition Program Director Lincoln County Schools 10 Marland Avenue Hamlin, WV 25523	9.1.2 Agree with policy and think that changes are needed due to the complexity of child nutrition programs. Once the authorization is issued it should be automatic if yearly inservice activities are met.	+/N	
7/13/01	Laura C. Savio Nutrition Program Director Monongalia County Schools	9.1 The proposed changes are a significant improvement since Child Nutrition Programs are a significant portion of every county's budget and should be managed in the most efficient method by a qualified person. Proposed qualifications are appropriate and realistic in terms of counties being able to find qualified persons. 9.1.3.a I suggest that inservice credit for authorization renewal include training approved by WVDE.	0/A	Recognizing authorization renewal credits for inservice offered or approved by WVDE will provide adequate assurance that Child Nutrition Program related training is completed.
7/16/01	Kathy Talley Celeste Peggs Coordinators WVDE Office of Child Nutrition	9.1 Child Nutrition Programs provide federal dollars to meet the nutritional needs of students across all social and economic levels. Authorization of school nutrition director will assist in developing a well managed nutrition program particularly in the areas of menu planning, food safety and staff development.	+/N	
7/16/01	Gary Samples Assistant Superintendent Jackson County Schools PO Box 770 Ripley, WV 25271	9.1.1a As assistant superintendent with the title of "County Director of Nutrition" and no coursework in nutrition related field, may I continue in that role in 2002-2003? 9.2.1 Will staff members be included in the state formula? Will school nutrition directors be service or professional position? Will counties be given additional dollars to fund position?	0/N	Comments do not address proposed revision.

**POLICY 4321.1 STANDARDS FOR SCHOOL NUTRITION  
COMMENT LOG  
August 9, 2001**

**TYPE ACTION**  
 - Negative N: No Response  
 + Positive NA: Not Accepted  
 o Neutral A: Accepted

Date	Individual/Organization	Comments	Type/ Action	Rationale
7/16/01	Ronald E. Ray Superintendent Jackson County Schools PO Box 770 Ripley, WV 25271	9.1 Since a Bachelor's Degree will be required, will the position of nutrition director be a service or professional position? Will the authorization have to be renewed each year? What is the purpose of this change? If the policy remains written will the position be fully funded by the State Department and added to the existing formula? No mention is made of currently assigned staff.	0/N	
7/16/01	Kathy Loretta Healthy Schools Program Director Harrison County Schools 34 Clubview Drive Bridgeport, WV 26330	9.1 I totally support the changes. The Child Nutrition Program in West Virginia have traditionally been leaders in the nation; however, due to declining enrollments, funding and retirement of qualified, dedicated individuals, we are at risk of losing the integrity and high standards our programs have long enjoyed.	+/N	
7/17/01	Linda St. Clair, MS, RD, LD President West Virginia Dietetic Association 859 Sherwood Road Charleston, WV 25314	9.1 WVDA Board of Directors supports the proposed standard for county school nutrition program director with one change. We believe that course work in nutrition or food would be beneficial. We do not believe that six hours in food service management would provide the same level of understanding of nutrition. Many students now require complex meal planning. While course work in nutrition and/or foods is better than none, it does not prepare the applicant for this type of meal planning.	+/N	

RECEIVED

JUL - 3 2001

WVDE  
OFFICE OF CHILD NUTRITION

## COMMENT LOG

### STANDARDS FOR SCHOOL NUTRITION (POLICY 4321.1)

Directions: Please use this form in commenting by section on the proposed policy revisions of Standards for School Nutrition.

Name of Individual/Organization: Delores Ranson, Assistant Superintendent

Address: Jackson County Schools, P. O. Box 770, Ripley, WV 25271

**Section 9  
Staffing**

Comments: §126-86-9. Staffing

9.1. Does *designate* mean that a person already employed can be named school nutrition director without posting, or does the position have to be created and posted?

9.1.1.a. Since the school nutrition director is required to have a bachelor's degree and at least six semester hours of course work in nutrition, foods, and/or food service management...*Will this position be considered a professional position or a school service personnel position? If it is a service personnel position, what will be the established pay grade?*

*Will this be a state or federally funded position? County boards of education who are already at or over the state-aid formula may have to eliminate other needed positions to create the school nutrition director position to stay within formula or to keep positions already funded outside the formula at a minimum.*

9.2.1. *Suggested staffing: With the passage of this policy will counties be required to have a school nutrition director, or is it just suggested that counties have a school nutrition director?*

*A School Nutrition Director is needed in our county, yet we have many staffing needs such as additional school nurses, counselors, etc. It's most unlikely that a new position would be created if there were an option.*

**Please submit comments by July 16, 2001 to**  
Mary Kay Harrison, Executive Director  
Office of Child Nutrition  
West Virginia Department of Education  
Building 6, Room 248  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330

## Mary Kay Harrison

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**From:** Andrews, Peg [peg.andrews@camcare.com]  
**Sent:** Wednesday, July 04, 2001 10:09 AM  
**To:** 'Mindy Weaver'; carol olson; Treva Handley-Davis; Teresa Smith; Susan Poindexter; Susan Lister; Susan Arnold; Sue Linnenkohl; Steve Ferguson; Sharon Maynard; Ron Sandreth; Roger Isaacs; Richard McGinnis; Ramona Anderson; Andrews, Peg; Patti Crupi; Monica Andis; Melody Snyder; Melissa McDonald; Mary Beth Lind; Mary Anne Yanosik; Marie Gravely; Lisa Whitlock; Lisa Ashcraft-Carr; Linda St. Clair; Linda Myers; Laurie Dailey; Laura Savio; Laura Bergeson; Kelli Williams; Kathy Hettlinger; Kathleen Namolik; Karen Wheeler; Karen Ghiardi; Julie Dyer; Judith Conner; Jennifer Bayes; Jeff Werner; Jeanne Schmauss; Helen Lodge; Gibson, Grace; Georgette Stout; Frank Markun; Evelyn DiTrapano; Eloise Hollen (Work); Elizabeth Tilak; Denise Ferris; Dee Bartoe; Debra Krummel; Deanna Pyles; Deanna Nestor; Claudia Schopper; Cindy Gay; Cindy Fitch; Chris Ferencak; Cheryl Rittinger; Carolyn Keech; Cami McMillen; Cabell Dietitians; Betty Forbes; Becky Foster; Barbara Hartman; Barbara Daye; Arnie Vaughn; Annette Carper; Anne McBride; Annabelle Cruise; Anna Orr; 'mrharris@access.k12.wv.us'  
**Subject:** RE: STate Board of Education

In review of the policy revisions to "Standards for School Nutrition, Policy 4321.1" noted under the section labeled "Staffing":  
<http://wvde.state.wv.us/policies/p4321.1-co.html> I commend the Council's recommendation to identify required qualifications vs. recommended qualifications. However, it concerns me that the proposed qualifications only require 6 hrs. in nutrition related course work or food service management versus the "old" recommended qualifications of a BS/BA in home economics, nutrition or dietetics. Does this mean the new proposal allows for a Business major who took 6 hrs. of food service management to be just as qualified as a Dietetics major whose primary focus is nutrition?

Peg Andrews, MA, RD, LD  
Nutrition Services Consultant  
Telephone #388-3416  
Pager #330-3416

-----Original Message-----

**From:** Mindy Weaver [mailto:melinda.weavermsrd@worldnet.att.net]  
**Sent:** Wednesday, June 27, 2001 7:51 PM  
**To:** carol olson; Treva Handley-Davis; Teresa Smith; Susan Poindexter; Susan Lister; Susan Arnold; Sue Linnenkohl; Steve Ferguson; Sharon Maynard; Ron Sandreth; Roger Isaacs; Richard McGinnis; Ramona Anderson; Peg Andrews; Patti Crupi; Monica Andis; Melody Snyder; Melissa McDonald; Mary Beth Lind; Mary Anne Yanosik; Marie Gravely; Lisa Whitlock; Lisa Ashcraft-Carr; Linda St. Clair; Linda Myers; Laurie Dailey; Laura Savio; Laura Bergeson; Kelli Williams; Kathy Hettlinger; Kathleen Namolik; Karen Wheeler; Karen Ghiardi; Julie Dyer; Judith Conner; Jennifer Bayes; Jeff Werner; Jeanne Schmauss; Helen Lodge; Grace Gibson; Georgette Stout; Frank Markun; Evelyn DiTrapano; Eloise Hollen (Work); Elizabeth Tilak; Denise Ferris; Dee Bartoe; Debra Krummel; Deanna Pyles; Deanna Nestor; Claudia Schopper; Cindy Gay; Cindy Fitch; Chris Ferencak; Cheryl Rittinger; Carolyn Keech; Cami McMillen; Cabell Dietitians; Betty Forbes; Becky Foster; Barbara Hartman; Barbara Daye; Arnie Vaughn; Annette Carper; Anne McBride; Annabelle Cruise; Anna Orr  
**Subject:** STate Board of Education  
**Importance:** High

I received the following information from Mary Kay Harrison at the WVDE. She would appreciate our review and comments to the State Board of Education policy. Please read below. Pull up the web site and respond as you feel comfortable. This is a perfect opportunity for WVDA members to provide

## Mary Kay Harrison

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**From:** Mindy Weaver [melinda.weavermsrd@worldnet.att.net]  
**Sent:** Wednesday, July 04, 2001 10:49 AM  
**To:** mrharris@access.k12.wv.us  
**Subject:** Comments: 4321.1

Mary Kay - I have attached a couple comments. Thanks for the opporitunty to respond. And I really enjoyed working with you on the Nutrition Symposium. I hope the summary comments show that it was a raving success. Have a greatday.

Mindy



Comments Mary Kay  
Harrison.do...

Comments on "Standards of School Nutrition"(4321.1)

Qualifications for school nutrition director:

9.1 In review of this document, it appears that the potential director might actually need less education to manage the food service than does a home economics teacher.

9.1.1a I appreciate seeing the required 6 semester hours of course work related to nutrition, foods, and/or food service management. It does not in my opinion truly qualify an individual to deal with the responsibilities of this position.

9.1.3a I am concerned that the individual in this position is required to complete 15 hours of in-service credit related to Child Nutrition offered by WDVE. If truly a qualified individual is in this position i.e. Registered Dietitian, education programs are offered yearly related to Child Nutrition at the annual Food and Nutrition Conference. It would seem appropriate to expand this requirement somehow.

RECEIVED

JUL - 6 2001

WVDE  
OFFICE OF CHILD NUTRITION

## COMMENT LOG

### STANDARDS FOR SCHOOL NUTRITION (POLICY 4321.1)

Directions: Please use this form in commenting by section on the proposed policy revisions of Standards for School Nutrition.

**Name of Individual/Organization:**

Arnold K. Vaughn, RD, LD; General Manager of Nutritional Services at

**Address:**

Raleigh General Hospital, 1710 Harper Road, Beckley, WV, 25801

**Comments:**

a. A minimum of a bachelor's degree with a 2.5 overall GPA and at least six semester hours of course work in nutrition, foods, and/or food service management, AND

b. Receive the recommendation of the county superintendent verifying that the applicant is the most qualified candidate for the position.

I have concerns that this should read: a minimum of a bachelor's in professional education or in home economics, nutrition, dietetics, or equivalent experience with a 2.5 overall GPA, etc.

This will insure that the candidate at least has a degree in education or a related area, not just the equivalent of two nutrition classes. Two classes are insufficient preparation for this position.

a. Completion of 15 clock hours of in-service credit related to Child Nutrition Programs and offered by the West Virginia Department of Education; AND

b. Recommendation of the superintendent in the county in which the applicant is or was employed

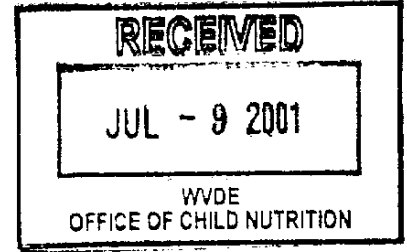
I have concerns that this should read: completion of 15 clock hours annually of in-service credit related to Child Nutrition Programs, etc.

This will require a continuing education in child nutrition, not just the initial coursework through the Office of Child Nutrition. These officials should be required to stay abreast of changes in nutritional requirements for their charges in the county they will oversee.

**Please submit comments by July 16, 2001 to:**

Mary Kay Harrison, Executive Director  
Office of Child Nutrition  
West Virginia Department of Education  
Building 6, Room 248  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330

STANDARDS FOR SCHOOL NUTRITION  
(POLICY 4321.1)



Directions: Please use this form in commenting by section on the proposed policy revisions of Standards for School Nutrition.

Name of Individual/Organization: Susan M Penderick, MS, RD, LD

Address: 802 Nense Dr Charleston, WV 25312

4.5 Lunch implementations Option A  
4.5.1.6 Recommend change % calories to 7% from saturated fat to reflect new guidelines from NHLBI of NIH

Section 9

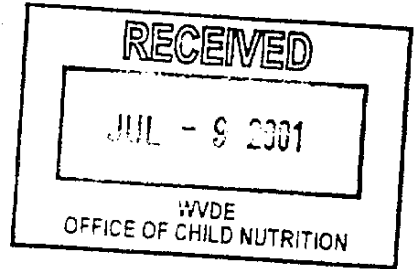
Staffing

9.1.1.a

Recommend the school nutrition program be directed by a registered/licensed dietitian

Thank you for the opportunity to comment.

Susan M Penderick



**COMMENT LOG**

**STANDARDS FOR SCHOOL NUTRITION  
(POLICY 4321.1)**

Directions: Please use this form in commenting by section on the proposed policy revisions of Standards for School Nutrition.

**Name of Individual/Organization:** David B. Weekley, Director

Ritchie County Schools

**Address:** 134 South Penn Ave. Harrisville, WV 26362

<p><b>Section 9 Staffing</b></p>	<p><u>9.1.1.a</u> A degree in administration is minimized. A bachelors degree with nutrition becomes more important. Smaller county directors have many hats not just food service.</p> <p><u>9.1.2.</u> Other department directors within counties do not require an annual authorization</p> <p><u>9.1.2.a</u> Many hats worn by many directors is going to prove difficult to get 15 clock hours of training.</p>
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**Please submit comments by July 16, 2001 to:**

Mary Kay Harrison, Executive Director  
Office of Child Nutrition  
West Virginia Department of Education  
Building 6, Room 248  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330

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WVDE  
OFFICE OF CHILD NUTRITION

## COMMENT LOG

### STANDARDS FOR SCHOOL NUTRITION (POLICY 4321.1)

Directions: Please use this form in commenting by section on the proposed policy revisions of Standards for School Nutrition.

Name of Individual/Organization: Beverly E. Blough MS, RD, LD

Wood County Schools

Address: 1210 13<sup>th</sup> Street

Parkersburg, WV 26101

<p><b>Section 9</b> <b>Staffing</b> 9.1.3.a</p>	<p>Would you add to the end of the sentence - by the West Virginia Department of Education or <u>approved by the West Virginia Department</u> <u>of Education.</u></p> <p>This would allow directors who attend ASFSA educational events at the state or national level, receive credit for attending appropriate inservice programs. It would also allow the 2 dietitians to receive credit for ADA programs.</p>
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Please submit comments by July 16, 2001 to:

Mary Kay Harrison, Executive Director  
Office of Child Nutrition  
West Virginia Department of Education  
Building 6, Room 248  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330

**Mary Kay Harrison**

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**From:** Bmpes@aol.com  
**Sent:** Wednesday, July 11, 2001 9:53 PM  
**To:** mrharris@access.k12.wv.us  
**Subject:** State Board of Education Policy Revisions

**To:** Mary Kay Harrison

Dear Mary Kay,

Thank you for sending me the State Board of Education Policy Revisions. Since this is my first year on the "Council", please forgive my ignorance in state board policies. I have been interested in what information you have sent me. I have read the revised policy and have a few comments and questions that I want to address in this letter.

From the policy provided you are establishing qualifications for the county nutrition program director or is this called a school nutrition director. I was confused. In the "purpose on the executive summary page, both names are used. Also in the purpose, I think it would be helpful to briefly tell the scope of this position. Will there be one nutrition director per school or county? It isn't until page 7 under staffing 9.1 that this information is provided. The term "school nutrition director" could mean one per school. This needs to be clearer in the purpose.

I do have a few other questions related to our existing standards for school nutrition programs as provided.

1. Is chocolate milk served during meals and snacks?
2. As per section 4.8, are these vending machines stocked only with pop or are sports drinks, juices, or milk products also provided? Do we monitor consumption?
3. Do we monitor what is being sold to students during snack times in schools in each county?
4. As per section 7.1 regarding adequate time for meal consumption, do we monitor periodically actual meal time at various schools in each county?

I hope I have been of assistance to you. Thank you for sending me the information. Let me know if I can be of further help. Keep me posted on the next Nutrition Advisory Council meeting. I appreciate your time and efforts.

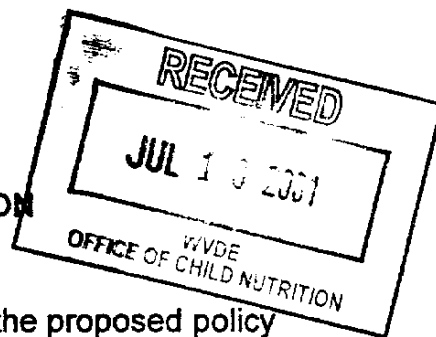
Sincerely,

MOPPY

7/12/2001

**Dr Margaret Lavery**

COMMENT LOG  
STANDARDS FOR SCHOOL NUTRITION  
(POLICY 4321.1)



Directions: Please use this form in commenting by section on the proposed policy revisions of Standards for School Nutrition.

Name of Individual/Organization: Frenda McCoy / Lincoln Co. Board  
of Education

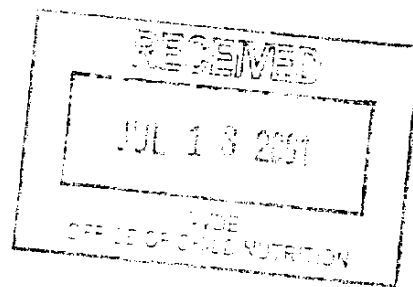
Address: 10 Marland Ave., Hamlin, WV 25523

<p>Section 9 Staffing</p>	<p>Agree with policy &amp; think the changes are needed with the complexity of the program. Comment on 9.1.2 - Once AN authorization is issued it should be automatic if the yearly activities are met.</p>
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Please submit comments by July 16, 2001 to:

Mary Kay Harrison, Executive Director  
Office of Child Nutrition  
West Virginia Department of Education  
Building 6, Room 248  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330

STANDARDS FOR SCHOOL NUTRITION  
COMMENTS



LAURA C. SAVIO  
MONONGALIA COUNTY

The proposal to designate a school nutrition director in each county is a significant improvement for Child Nutrition Programs in West Virginia. Child Nutrition programs are a significant portion of every county's budget and therefore should be managed in the most efficient method by a qualified person. It is also imperative that this individual has competencies in the area of foods and nutrition since nothing is more important than the health of our children.

The proposed qualifications are appropriate for this position. First, this position should require a minimum of a bachelor's degree since this is an administrative position and the individual will be directing/supervising Cafeteria Managers, Cooks and Secretaries. Secondly, it is appropriate to require at least six semester hours of foods/nutrition in order to plan meals, provide staff development and set appropriate goals for healthy children. The qualifications are also realistic in respect to counties being able to find qualified persons.

As in every professional position, in-service credit is necessary to maintain up to date skills. I do however suggest that 9.1.3.a. be changed to include the statement.... offered or approved by West Virginia Department of Education. This would permit individuals to submit documentation from State or National Conferences, college courses or other appropriate training and would be consistent with other professional or licensure requirement.

# COMMENT LOG

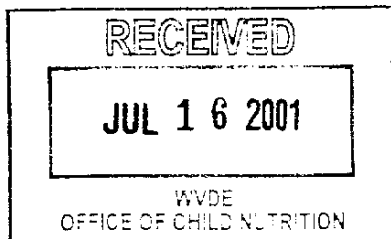
## STANDARDS FOR SCHOOL NUTRITION (POLICY 4321.1)

Directions: Please use this form in commenting by section on the proposed policy revisions of Standards for School Nutrition.

Name of Individual/Organization: Kathy Talley, Celeste Piggs

Address: 26 Mill Creek Crossing / 840 Stover St.  
Hurricane, WV. / St-Albans, WV

<p><b>Section 9 Staffing</b></p>	<p><i>See attached</i></p>
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**Please submit comments by July 16, 2001 to:**

Mary Kay Harrison, Executive Director  
Office of Child Nutrition  
West Virginia Department of Education  
Building 6, Room 248  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330

I support and heartily endorse changes in Policy 4321.1 for the following reasons:

Child Nutrition programs provide federal dollars to meet the nutritional needs of students across all social and economic levels.

Authorization of a school nutrition director will assist in developing a well managed nutrition program whose benefit is WV's children and their health and well being.

Qualified persons understand and can implement high nutrition standards, particularly in the areas of menu planning, food safety and staff development which will result in an efficient, quality program.

Child Nutrition programs provide nutritious meals to children during the school year and WV students are a captive audience. Qualified directors have expertise in linking with available resources for additional program funds i.e. grants and initiatives. Their ability to manage additional programs such as After School and Summer Foods Service Programs will be profitable to the children and the county.

Qualified directors can efficiently utilize the significant program income which provides major employment opportunities for county residents.

Standards exist for academics. Nutrition and health are equally vital in creating a productive, healthy potential worker. WV students are a captive audience and as such, depend upon others to provide the best possible services.

# COMMENT LOG

## STANDARDS FOR SCHOOL NUTRITION (POLICY 4321.1)

**Directions:** Please use this form in commenting by section on the proposed policy revision of Standards for School Nutrition.

**Name of Individual/Organization:** Gary Samples Assistant Superintendent  
Jack County Schools

**Address:** PO Box 770  
Ripley, WV 25271

<b>Section:</b>	9.1.1a	As an Assistant Superintendent, one of my areas of responsibility includes the duties and Title of "County Director of Nutrition".
<b>Staff:</b>		May I continue in that role in 2002-2003 even though I have no hours of course work in the area of concern?
	9.2.1	Will staff members be included in the State formula when counties comply?
	9.2.1a	Will the school nutrition director be a Service or Professional position? Will counties be given additional dollars to fund this position?

Please submit comments by July 16, 2001 to:

Mary Kay Harrison, Executive Director  
Office of Child Nutrition  
West Virginia Department of Education  
Building 6, Room 248  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330

FAX TRANSMISSION

Date: 7/16/2001 Number of pages including cover sheet 2



**JACKSON COUNTY SCHOOLS**

BOARD OF EDUCATION • OFFICE OF THE SUPERINTENDENT

P. O. BOX 770, RIPLEY, WEST VIRGINIA 25271

TELEPHONE: (304) 372-7300

FAX #: (304) 372-7312

To: Office of Child Nutrition  
Fax #: 558-1149  
Attention: Mary Kay Harrison  
Sender: Gary Samples

Comments:

*Comments concerning  
Policy 4321.1 Follow*

**CONFIDENTIALITY NOTICE:** The documents accompanying this facsimile message may contain confidential information intended only for the use of the individual or entity named above. All information transmitted is intended only for the use of the above named recipient. If the reader of this message is not the intended recipient, you are hereby notified that you are not authorized to read, disclose, copy, distribute, or take any action other than immediate delivery to the named recipient. If you have received this communication in error, do not read the information and please immediately notify us by telephone to arrange for a return of the original message to us at the above address via the U.S. Postal Service. If you are the named recipient you are not authorized to reveal any of this information to any unauthorized person and are hereby instructed to destroy the information when no longer needed. If you did not receive all pages listed or if pages are not legible, please immediately notify the sender by telephone at (304) 372-7300. Thank you for your cooperation in this matter.

## COMMENT LOG

### STANDARDS FOR SCHOOL NUTRITION (POLICY 4321.1)

Directions: Please use this form in commenting by section on the proposed policy revisions of Standards for School Nutrition.

Name of Individual/Organization: Ronald E. Ray, Superintendent

Jackson County Schools

Address: P.O. Box 770

Ripley, WV 25271

<p><b>Section 9 Staffing</b></p>	<p>Since a Bachelor's Degree will be required, will the position of Nutrition Director be a Service or Professional position?</p> <p>Why will the authorization have to be renewed each year?</p> <p>What is the purpose for the change?</p> <p>If the policy remains written, will the position be fully funded by the State Department and added to the existing formula?</p> <p>No mention is made in the policy for current staff assigned to this area of responsibility.</p>
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Please submit comments by July 16, 2001 to:

Mary Kay Harrison, Executive Director  
Office of Child Nutrition  
West Virginia Department of Education  
Building 6, Room 248  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330

### COMMENT LOG

#### STANDARDS FOR SCHOOL NUTRITION (POLICY 4321.1)

**Directions:** Please use this form in commenting by section on the proposed policy revisions of Standards for School Nutrition.

Name of Individual/Organization: Kathy Lovette

Address: 34 ClubView Dr  
Bridgeport WV 26330

<p><b>Section 9 Staffing</b></p>	<p>I totally support the language in 9.1 - 9.2.2. The Child Nutrition programs in WV have traditionally been leaders in the nation, however due to declining enrollment, funding problems and retirement of qualified, dedicated individuals we are at risk of losing the integrity and high standards our programs have long enjoyed.</p>
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**Please submit comments by July 16, 2001 to:**

Mary Kay Harrison, Executive Director  
 Office of Child Nutrition  
 West Virginia Department of Education  
 Building 6, Room 248  
 1900 Kanawha Boulevard, East  
 Charleston, West Virginia 25305-0330

5-17-01

## COMMENT LOG

### STANDARDS FOR SCHOOL NUTRITION

#### (POLICY 4321.1)

Directions: Please use this form in commenting by section on the proposed policy revisions of Standards for School Nutrition.

**Name of Individual/Organization:** West Virginia Dietetic Association

**Address:** 859 Sherwood Road, Charleston, WV 25314, telephone: 304-346-4959

#### **Section 9 - Staffing**

It is the consensus of the West Virginia Dietetic Association's Board of Directors to support the proposed standard for Staffing (Policy 4321.1) for the county school nutrition director position with one change. We agree that six hours of course work in nutrition and/or foods would be beneficial for the applicant. We do not believe, however, that six hours in food service management would provide the same level of understanding of nutrition. Food service management courses typically concentrate on staffing, equipment and quantity food preparation. Basic nutrition is not usually part of a food service management course. With that change made, we believe that the new standard is an improvement over the previous one. We agree, however, that the most qualified candidate for the position would be one who holds a minimum of a bachelor's degree in nutrition, home economics, or similar program from an accredited college or university and is a licensed, registered dietitian.

Many students in the county school system now require complex meal planning to treat chronic diseases, such as diabetes, elevated blood lipids, obesity and malnutrition. The increased demand for therapeutic diets would seem to necessitate the need for the services of a qualified nutrition professional - a licensed, registered dietitian. While six semester hours of course work in nutrition and/or foods is better than none, it does not prepare the applicant this type of meal planning.

We are pleased to have to the opportunity to comment on this important policy change. Please let us know if our association can be of any assistance in the future.

Sincerely,

Linda St. Clair, MS, RD, LD  
President, West Virginia Dietetic Association