

ARKANSAS DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING NUTRITION AND PHYSICAL ACTIVITY STANDARDS AND BODY MASS INDEX FOR AGE ASSESSMENT PROTOCOLS IN ARKANSAS PUBLIC SCHOOLS

PUBLIC COMMENTS AND RESPONSES OF THE ARKANSAS DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION

Commenter Name: Rebecca Miller-Rice, Bureau of Legislative Research (5/12/20)

Comment (1): Section 3.40 – Is the citation to Ark. Code Ann. § 6-15-2006, which concerns annual reports, accurate?

Response: No. That citation was accidentally included and has been removed.

Comment (2): Section 6.01.1 – What is meant by a “health and wellness district priority”?

Response: This references the district portion of the health and wellness school improvement plan, which requires districts to identify the wellness committee members.

Comment (3): Section 6.06.3 – What is meant by a “health and wellness school improvement priority”? Is this the same as the “health and wellness district priority” as used in Section 6.01.1?

Response: The "health and wellness school improvement priority" references the school portion of the health and wellness school improvement plan, which requires school level goals and objectives to be set. The "health and wellness district priority" references district portion of the health and wellness school improvement plan, which requires districts to identify the wellness committee members.

Comment (4): Section 7.07 – What is the rationale for the striking of this section?

Response: This section is in direct conflict with section 7.9.1 and 7.10, which requires a licensed physical education teacher. K-12 Physical Education and Health is a license and is required to teach PE.

Comment (5): Section 7.11.2.1.1 – Should the second statutory citation be to Title 6, rather than Title 66?

Response: Yes- This is a typo and should reference Title 6.

Comment (6): Section 11.03.2 – What is meant by a “local charge policy”?

Response: All districts participating in the National School Lunch and/or School Breakfast Program must have a written policy or "local charge policy" to address situations where children

participating at the reduced price or paid rate do not have money to cover the cost of a meal at the time of meal service. This is a USDA requirement and "local charge policy" is a USDA term.

Commenter Name: Delite Fife RN, BSN, NCSN (Concord School District)

Comment(1): I find this statement to have unclear wording: 11.03.1.1 Provide a student requesting a meal or snack that is different from the meal or snack being provided to other students in the school. Possible revision: Provide a meal or snack per student request that is different from the meal or snack that is provided to other students.

Response: Comment considered. The language used in Section 11.03.1.1 is directly from law, Ark. Code Ann. § 6-18-714(c)(1). **No change made.**