

BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY POLICY COMMITTEE



February 2, 2021
3:30 p.m.
Microsoft Teams

AGENDA

Committee Members

Joanna Bache Tobin, Chair
Candace C. W. Antwine, Member
Melissa Ellis, Member
Drake Smith, Member

- **Review and Approval of Minutes –**
December 16, 2020
- **Policy for Discussion Only**
 - EB – Student Nutrition Services – Whole School
 - DL – Data Governance
- **FYI Only – Regulations**
 - EB-RA – Student Nutrition Services – Whole School
 - DL-RA – Data Governance
- **For the Good of the Order**

BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY
POLICY COMMITTEE MEETING
ADMINISTRATIVE MINUTES DECEMBER 16, 2020
(UNAPPROVED)

The Board of Education Policy Committee met at 2:30 p.m. on the above date via teleconference. Board members present were Michelle Corkadel, Chair; Candace Antwine, Robert Silkworth, and Drake Smith. Staff members present were Jeanette Ortiz, Legislative and Policy Counsel; Bob Mosier Chief Communications Officer; Walter Federowicz, Internal Audit; Nikki Burns, Legislative and Policy Support; Darren Burns, Board Counsel; and Diane Howell, Executive Assistant to the Board. Also present was Joy Lawson of the Citizens Advisory Committee.

Review and Approval of Minutes: Ms. Corkadel opened the meeting and proceeded with review of the minutes for the November 18, 2020 committee meeting. The minutes were approved by consensus.

FYI Only – Regulation Amendments

GCI-RA Salaries – Unit I-IV: Ms. Ortiz discussed the updates to the language of the regulation to align with current practice. Mr. Federowicz and Mr. Silkworth asked questions. Ms. Ortiz responded.

JEF-RA Reporting Child Abuse/Neglect: Ms. Ortiz discussed the updates which align with State law and regulations. Specifically, the “Procedures” section was updated.

Policy for Discussion Only

Before discussing the proposed policy, Ms. Ortiz gave an overview of policy updates and why or what brings about a policy update or review. She reminded members that policies are within the purview of the Board and regulations are within the purview of the Superintendent. Ms. Ortiz and Mr. Burns provided additional information as to the Board’s role in policy development and the Superintendent’s role in regulation development.

Students and Gender Identity: This draft new policy was proposed by Board Member, Dana Schallheim. Ms. Schallheim prepared language for the committee to review and discuss.

Ms. Ortiz provided an overview of Ms. Schallheim’s recommendations and indicated that they are pretty much aligned with current AACPS guidelines on students and gender identity. Ms. Antwine moved that this policy be brought before the Board at its next meeting. Mr. Burns provided legal advice to ensure the process follows the Board’s Policy Setting policy and indicated that the policy would need to follow that policy and have proper legal vetting. Mr. Smith seconded Ms. Antwine’s motion. Ms. Ortiz explained the realistic timetable for a policy to be drafted, reviewed legally, and presented to the Committee before being presented as information as a first reading to the full Board. Ms. Ortiz emphasized that AACPS guidelines already mirror current State and federal laws and MSDE guidance, and the protections already afforded by them. A policy would be consistent with this and Ms. Ortiz explained that it is important to take the time to develop a policy on this issue and indicated that she could realistically have a draft policy for the Committee to review at the March Policy Committee meeting. The Committee amended the motion that Ms. Ortiz would submit the draft policy and regulation to the Policy Committee in accordance with the Policy Setting policy and after proper legal vetting, for the March 2021 Policy Committee meeting. The Committee approved by consensus.

Ms. Lawson reviewed feedback from the CAC and noted a few areas to amend. She commented that the current guidelines in place are very similar to Ms. Schallheim’s recommendations with a few differing items.

Ms. Corkadel mentioned the possibility of having one policy for employees and one policy for students and Ms. Ortiz agreed that two separate policies would be her recommendation as this is consistent with how other policies have been developed.

After further discussion, Mr. Smith asked if information can be highlighted for the public on the policy website to allow for feedback from the public. Ms. Ortiz explained how the public is able to provide feedback by contacting her office, the Board, and through the normal policy setting process.

For the Good of the Order

Ms. Corkadel will meet with the new Board President, Melissa Ellis to discuss a potential public forum on the proposed policy after the March 2021 Policy Committee meeting.

Adjourn: 3:44PM

POLICY

BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY

Related Entries: EB-RA

Responsible Offices: FOOD AND NUTRITION SERVICES

STUDENT NUTRITION SERVICES – WHOLE SCHOOL

A. PURPOSE

To establish a policy that addresses student nutrition standards encompassing the entire school environment for all foods and beverages made available on school property or through school-sponsored events.

B. ISSUE

Anne Arundel County Public Schools (AACPS) recognizes that healthy foods and beverages contribute to a healthy lifestyle.

C. POSITION

1. AACPS aims to promote nutrition and nutrition education, physical activity, and other school-based activities that promote student wellness.
2. School breakfast and lunch service shall be provided every school day at all schools.
3. School meals shall provide students with well-balanced nutrition that shall meet or exceed the nutrition standards and regulations established by the U.S. Department of Agriculture (USDA) and the Maryland State Department of Education.
4. No foods or beverages offered for sale on school premises may compete with *National School Lunch Program* or the *School Breakfast Program*.
5. All foods made available on school property or through school-sponsored activities shall comply with federal, State, and local laws, regulations and standards.
6. Children require sufficient quantities of nutritious food for proper growth. Food and Nutrition Services promotes growth and development by providing students with healthy food choices. These choices include whole grains, vegetables,

- fruits, fat-free and low-fat milk products, and other calcium-rich foods, beans, lean meat, poultry, fish, and other protein-rich foods.
7. Foods and beverages offered in elementary, middle, and high schools, as an alternate to or in addition to the reimbursable meal, shall be offered in portion sizes that are age appropriate and consistent with federal, State, and local laws, regulations and standards. All of these foods shall comply with USDA *Smart Snacks in School* nutrition standards, which are approved via the Alliance for Healthier Generation *Smart Snacks Product Calculator*.
 8. Schools are encouraged to promote healthy food and beverage choices for school events where foods and beverages are available, and for the school administration vending machines. The marketing and advertising of foods and beverages shall comply with USDA *Smart Snacks in School* nutrition standards and the *Maryland Nutrition Standards for All Foods Sold in Schools*.
 9. Schools are encouraged to consider wellness issues and student allergies when planning incentive and promotional activities.
 10. School staff is encouraged to set a positive example by following nutrition guidelines, as defined above, when interacting with students.
 11. Parents/Guardians are encouraged to complete a *Free and Reduced Meals Application* to determine if their child(ren) is eligible for free or reduced meals. *Free and Reduced Meals Applications* are available on the AACPS website and may be submitted at any time during the school year. Assistance is available to complete a *Free and Reduced Meals Application* in multiple languages.
 12. Food and Nutrition Services shall provide guidance and information regarding nutrition to school administrators and organization representatives, as necessary.
 13. The prices of school meals and milk shall be approved annually by the Board of Education of Anne Arundel County.

D. IMPLEMENTATION

The Superintendent is authorized to develop regulations to implement this policy.

Policy History: Adopted on 07/12/06; Revised 04/23/15; 09/06/17; //

Note Previous Policy History: Replaces Policy 701, adopted 01/02/80 and revised 01/07/90
Replaces Policy 701.01, adopted 09/03/69 and revised 03/07/90
Replaces Policy 701.02, adopted 11/04/70 and revised 03/07/90
Replaces Policy 701.03, adopted 07/03/74 and revised 11/20/89, 12/04/96

Legal Reference: Section 7-125 of the Education Article and the Healthy Hunger-Free Kids Act of 2010

POLICY

BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY

Related Entries: DL-RA, DI, DI-RA, IH, IH-RA
Responsible Office: DIVISION OF TECHNOLOGY

DATA GOVERNANCE

A. PURPOSE

To establish a data governance policy to manage and maintain data privacy and security practices in the processing of personally identifiable information across the Anne Arundel County Public Schools (AACPS) information technology and records management systems.

B. ISSUE

It is the responsibility of AACPS to ensure that legal and ethical measures are taken to protect personally identifiable information of employees and students across AACPS information technology and records management systems. Further, the Family Educational Rights and Privacy Act generally prohibits the disclosure by schools that receive federal education funding of personally identifiable information from a student's education records unless an exception applies.

C. POSITION

The Board of Education of Anne Arundel County (Board) is committed to ensuring that the operation of AACPS websites, online services, and applications designed for Pre-K-12 school purpose are protected from unauthorized access, destruction, use, modification, or disclosure. AACPS shall maintain reasonable security procedures and best practices in place to protect AACPS data. Accordingly, the Board supports the development and implementation of:

1. A data privacy and security incident response plan;
2. A security breach notification plan;
3. Electronic restrictions and safeguards;
4. Procedures and requirements for allowing access to personally identifiable information for a legitimate research purpose and in accordance with State and federal laws; and

5. Procedures and best practices in the areas of data governance, transparency, and professional development.

D. IMPLEMENTATION

The Superintendent is authorized to develop regulations to implement this policy.

Policy History: Adopted on //

Note Previous Policy History: None

Legal Reference: 20 U.S.C. § 1232g; 34 CFR Part 99
Student Data Privacy Act of 2015, Sections 1-101 and 7-2101 through 7-2105 of the Education Article

DRAFT

FYI ONLY

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: EB, KC, KC-RA

Responsible Offices: FOOD AND NUTRITION SERVICES

STUDENT NUTRITION SERVICES – WHOLE SCHOOL

A. PURPOSE

To establish procedures for the implementation and review of the accompanying policy on Student Nutrition Services Whole School. All To encourage Anne Arundel County Public Schools (AACPS) students ~~shall be encouraged~~ to make healthy food and beverage choices, which help create healthy bodies and minds, and promote academic achievement.

B. BACKGROUND

All foods and beverages sold to students during the school day are consistent with federal, State, and local laws, regulations and standards.

C. PROCEDURES

1. All school meals shall meet or exceed established federal, State and local laws, regulations and standards regarding the nutrient content and portion size for all foods. AACPS aims to promote healthy lifestyles. AACPS also aims to educate students about the importance of nutrition in the classroom and cafeteria by placing an emphasis on multiple offerings, including local offerings of fresh fruits and vegetables, on a daily basis.
2. The *Healthy Hunger-Free Kids Act of 2010* requires that all food sold inside and outside of the school's *National School Lunch Program* and *School Breakfast Program* meet the programs' nutrition standards, including nutrient content and portion size. These nutrition standards for all foods sold in school address criteria for allowable foods and beverages. The nutrition standards apply to the following:
 - a. Vending machines;
 - b. A la carte sales;
 - c. Fundraisers; and
 - d. School stores.

3. No foods or beverages offered for sale on school premises shall compete with the *National School Lunch and School Breakfast Programs*, from 12:01 a.m. until 30 minutes after the end of the instructional day.
4. Lunch meal service may not be scheduled prior to 10:00 a.m. or after 2:00 p.m.
5. All school administration vending machines shall have and use a timing device to automatically prohibit access to the vending machines from 12:01 a.m. until 30 minutes after the end of the instructional day. Vending machines that are not accessible to students are exempt from the above limitations.
6. For the safety and security of the food at each facility, access to food service facilities shall be limited to authorized personnel.
7. Hazard Analysis and Critical Control Point plans and guidelines shall be implemented to prevent food borne illness. Commercially processed, shelf stable foods in sealed containers are not potentially hazardous, and are exempt.
8. Anne Arundel County Department of Health regulations require that food served to the public be prepared in a licensed facility. The license for Food and Nutrition Services is nontransferable to outside caterers or groups applying for use of the facilities. However, such groups are invited to apply for use of Food and Nutrition Services' kitchen facilities, in accordance with guidelines provided by the *AACPS Community Use of Facilities Manual*.
9. All foods made available through school-sponsored activities shall meet Code of Maryland Regulations guidelines regarding safe and healthy food and beverage preparation, handling, storage, and serving of food. Parents/guardians providing food ~~shall~~must purchase pre-packaged, store bought items for these events. Nutrition~~ent~~ labels and ingredient lists shall be made available for all foods.
10. Food and beverages may not be used as an educational tool, or offered as a reward for achievement or good behavior.
11. The marketing and advertising of foods and beverages shall meet the U.S. Department of Agriculture (USDA) *Smart Snacks in School* nutrition standards and the *Maryland Nutrition Standards for All Foods Sold in Schools*. The nutrition standards apply to all foods and beverages offered to students from 12:01 a.m. to 30 minutes after the school day.
12. Nutrition values for food and beverages sold or provided to students by Food and Nutrition Services shall be made readily available to parents/guardians, students, and members of the community by Food and Nutrition Services. This information can be located at <http://aacpsschools.org/nutrition/nutrientdata/> on the AACPS website or by contacting Food and Nutrition Services.

13. All schools promote student wellness activities in conjunction with multiple community partners. Many schools offer meals beyond the traditional school day and school year. Schools provide the following opportunities:
 - a. **Health Fairs** – promoting physical activity and healthy food choices;
 - b. **Tasting of the Rainbow** – offering new fresh fruits and vegetables, which are often local;
 - c. **Tasting Events** – providing tastings of fresh fruits and vegetables to all students during lunch;
 - d. **Brain Boost** – promoting physical activity during class time;
 - e. **Breakfast Meals** – promote providing a healthy breakfast every day to ensure that all students are consuming a healthier diet and are fueled for learning;
 - f. **Dinner Meals** – offering healthy food choices and enhancing academic achievement after the school day; and
 - g. **Summer Meals** – providing healthy meals; and keeping the youth in Anne Arundel County fueled and ready to play and learn during the summer.
14. The marketing and advertising of foods and beverages offered via fundraisers shall meet USDA *Smart Snacks in School* nutrition standards and the *Maryland Nutrition Standards for All Foods Sold in Schools*.
15. Food allergies shall be discussed with appropriate Food and Nutrition Services staff, registered dietitian(s), registered nurse(s), and parent(s)/guardian(s). Each student allergy shall be identified in the student database. Individual consultations with the approved staff, parent(s)/guardian(s), and student(s) shall occur on an as needed basis.
16. Drinking water shall be available to all students in all schools during breakfast and lunch meal services.
17. Handwashing facilities and supplies shall be located in close proximity to school cafeterias. Students shall be taught the importance of frequent hand washing, especially prior to eating.
18. Any AACPS student without money to purchase a school lunch shall be granted a predetermined number of meals, or until the negative balance reaches the charge threshold established by the Board of Education of Anne Arundel County. Once the negative balance threshold is met, the student shall receive an alternate meal ~~which typically consists of a sandwich and a fruit or vegetable~~. This information shall be noted in the AACPS *Parent Handbook* and on the AACPS website. The student's

parent(s)/guardian(s) shall receive automated phone messages indicating there is a negative account balance and whether the student received an alternate meal. A school must notify the student’s parent(s)/guardian(s) about the application process and eligibility requirements for the school’s free or reduced-price meal program. A Schools are encouraged to contact a student’s parent(s)/guardian(s) to inform them to make a deposit and clear the negative balance. However, school staff may not communicate directly with the student about any unpaid meal debt. On or about the last day of school, Central Office Division of Financial Operations shall deduct the negative balance and alternate meals costs from the schools account and transfer to Food and Nutrition Services to clear all outstanding debts.

19. If a student has an unpaid meal debt, a school may not:

- a. Require the student to wear a wristband, hand stamp, sticker, or other identifying mark;
- b. Require the student to complete chores or tasks;
- c. Deny a meal to the student or dispose of a meal after it has been served; or
- d. Restrict the student from access to school records or participation in any school-related extracurricular activity.

Regulation History: Developed by Superintendent 02/08/06
Reviewed by Board of Education 07/12/06
Issued 07/12/06; Revised 09/06/2017

Note Previous Regulation History: Replaces Policy 701.03, adopted 07/03/1974 and revised 11/20/1989

Legal Reference: Section 7-125 of the Education Article and the Healthy Hunger-Free Kids Act of 2010

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: DL, DI, DI-RA, IH, IH-RA
Responsible Office: DIVISION OF TECHNOLOGY

DATA GOVERNANCE

A. PURPOSE

To establish procedures for the management and maintenance of data privacy and security practices in the processing of personally identifiable information across the Anne Arundel County Public Schools (AACPS) information technology and records management systems.

B. BACKGROUND

In accordance with State law, AACPS commits to implementing best practices on data governance and professional development on data governance policies and procedures.

The Family Educational Rights and Privacy Act (FERPA) and the Children’s Online Privacy Protection Act (COPPA) govern the privacy of student data when educational institutions engage cloud service providers. FERPA generally prohibits the disclosure by schools that receive federal education funding of personally identifiable information from a student’s education records, unless the educational institution has obtained signed and dated written consent from a parent/guardian or eligible student or one of FERPA’s exceptions applies. COPPA governs operators of websites and online services that are directed to children younger than age 13 and operators of general audience websites or online services that have actual knowledge that a user is younger than age 13.

C. DEFINITIONS

1. **Data Owner** – an individual who has the requisite knowledge, administrative control, and has been officially designated as accountable for specific data elements or data sets.
2. **Data Steward** – an individual who is responsible for maintaining data quality and security.
3. **Education Records** – those records that are directly related to a student and maintained by AACPS or by a party acting for AACPS.

4. Personally Identifiable Information – information that, alone or in combination, makes it possible to identify an individual student with reasonable certainty.

D. PROCEDURES

AACPS shall continuously improve the availability, integrity, and security of data systems through the development and enforcement of laws, policies and regulations. Accordingly, data privacy protection of AACPS technology, related data, and electronic communications shall be in accordance with Policy DI and Regulation DI-RA – Technology Use and Security. Additionally:

1. AACPS shall have a data privacy and security incident response plan.
2. AACPS shall have a security breach notification plan.
3. AACPS shall maintain cyber security incident response guidelines and data breach notification procedures.
4. AACPS shall:
 - a. Create and implement a data classification plan for all AACPS data to determine data sensitivity levels.
 - b. Establish and maintain security controls to be implemented, in accordance with the classification plan, for each identified data security level.
5. The Superintendent or the Chief Information Officer shall identify and assign data owners and data stewards who shall oversee the collection, use, sharing, and destruction of data.
6. AACPS shall establish procedures and requirements for allowing access to student data and personally identifiable information (PII) for a legitimate research purpose. Electronic resources containing student PII may only be approved for use in accordance with the following data privacy guidelines:
 - a. Communications between the client software, including web browsers, file uploads, file downloads, and the system and data at rest shall be encrypted using current *Federal Information Processing Standard 140-2* or another AACPS-approved equivalent standard to ensure confidentiality, integrity, and availability of AACPS-owned data.
 - b. Cloud-hosted system providers shall warrant that the resource it will provide to AACPS is fully compliant with the following laws and regulations, if applicable:
 - i. Children’s Online Privacy Protection Act;

- ii. Family Educational Rights and Privacy Act;
 - iii. Health Insurance Portability and Accountability Act; and
 - iv. Maryland Student Data Privacy Act of 2015.
- c. Cloud-hosted systems must adhere to *National Institute of Standards and Technology SP 800-144 Guidelines on Security and Privacy in Public Cloud Computing.*
7. Instructional digital resources containing PII shall be reviewed and approved in accordance with Policy IH and Regulation IH-RA – Materials of Instruction – Review, Evaluation, and Selection.
 8. Prior to use, non-instructional digital resources containing PII must be reviewed and approved by the Chief Information Officer or the Chief Information Officer’s designee in accordance with the procedures established in this regulation.
 9. AACPS shall notify students and parents/guardians annually of their rights under FERPA.
 10. AACPS employees who access and maintain FERPA-protected data shall complete appropriate FERPA training annually.
 11. AACPS shall follow best practices as established by the Maryland State Department of Education to ensure transparency in data sharing with third parties.

Regulation History: Issued //

Note Previous Regulation History: None

Legal References: Children's Online Privacy and Protection Act (COPPA)
Family Educational Rights and Privacy Act (FERPA)
Health Insurance Portability and Accountability Act (HIPAA)
Student Data Privacy Act of 2015, Sections 1-101 and 7-2101 through 7-2105 of the Education Article