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HOUSE . . . . . No. 446

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to student nutrition and wellness..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 71 of the General Laws as appearing in the 2004 Official Edition is hereby amended by adding at the end thereof, the following section:—

"Section 90. (a) The Board of Education in collaboration with the Department of Public Health shall promulgate regulations requiring all school districts including local and regional districts to convene a School Wellness Advisory Committee that shall in accordance with federal laws and regulations develop and recommend to the superintendent of schools and school committee a school district wellness policy addressing school nutrition, nutrition education, and physical activity. The committee shall include, but need not be limited to, school committee members, school administrators, food service directors, food service staff, parents of students in the school district, students, physical and health education teachers, dietitians, health care professionals and interested community members.

(b) The board shall promulgate regulations and minimum standards to provide guidance for said committees to develop school district wellness policies. These committees shall solicit input from parents, teachers, students, and community members and shall hold at least one public

hearing in the local or regional school district. The committees shall take into consideration school nutrition, nutrition education and physical education programs currently offered within the district. The policies adopted by said committee shall address issues and goals, including, but not limited to all of the following:

(1) Implementing the nutritional standards set forth by the United States Department of Agriculture and state laws and regulations;

(2) Ensuring that no student is hungry;

(3) Improving nutritional standards by increasing the availability of fresh fruits and vegetables, including provisions that encourage schools to make fruits and vegetables available at all locations where food is sold and ensuring, to the extent possible, that the food served is fresh;

(4) Consideration of diverse religious and cultural preferences and requirements in food among the student body as well as food allergies;

(5) Ensuring that all food served to students throughout the day and after school meets federal and state food safety requirements;

(6) Integrating comprehensive nutrition education and physical activity into the overall school curriculum ensuring that the physical education program included both structured and non-structured physical activity;

(7) Ensuring regular professional development for food services staff meets the requirements laid out by the American Dietetic Association and the School Nutrition Association

including but not limited to training for food services staff to integrate state and federal nutrition standards into meals and snacks provided to students;

(8) Ensuring that nutrition education include strategies for children to understand and engage in healthy eating habits as well as components relating to the medical and behavioral implications of unhealthy eating, not limited to risk of type 2 diabetes, heart disease, kidney disease, stroke and cancer;

(9) Improving the quality of physical education curricula by including classroom lectures which identify the benefits of physical activity and health as well as selecting physical activities which encourage students to exercise their large muscle groups;

(10) Increasing the professional development for physical education teachers by relating physical education to the overall goal of achieving student health;

(11) Creating and enforcing physical education requirements to promote healthful levels of vigorous physical activity;

(12) Implementing a Safe Routes to School (SRTS) program, pursuant to the federal SAFETEA-LU Strategic Highway Safety Plan (23 U.S.C. 148) to encourage those students who reside within walking, 1 mile, or bicycling, 3 miles, distance from school to take these active modes of transportation to and from school. The SRTS program can include both educational and encouragement elements, and may also entail work with the local municipality to implement infrastructure improvements such as improved street crossings, traffic calming, new or repaired sidewalks, or bicycle/walking paths. Schools and school districts shall call on the SRTS program housed within the Executive Office of Transportation for assistance in the development of SRTS programs.

(13) Altering the economic structures in place to encourage healthy eating by students and reduce dependency on generating profits for the school from the sale of unhealthy foods;

(14) Creating nutritional guidelines and limitations for school fundraisers operated on school premises from one half hour before school begins, during school hours and to one half hour after school ends;

(15) Developing a financing plan to implement its policies;

(16) Increasing the availability of organic fruits and vegetables and school gardens;

(17) Collaborating with local farmers' markets"

(c) Each School Wellness Advisory Committee shall submit a school district wellness policy to the Board of Education and the Department of Public Health for approval. The Board of Education and the Department of Public Health shall ensure that each policy meets the requirements of this section as well as any other regulations promulgated.

(d) Each School Wellness Advisory Committee shall review and evaluate the school district wellness policy every three years. This review shall ensure that the policy is in accordance with federal laws and regulations, and shall consider ongoing changes in nutritional standards and requirements for physical education. The evaluation shall include input from, but not be limited to, the following individuals or groups: the superintendent of schools, the school committee, the parent-teacher association, physical education teachers, nutrition and health education teachers, food service providers, and students. Upon completion of the evaluation, the School Wellness Advisory Committee shall make recommendations to amend, change or rewrite the school district wellness policy. Said revisions to the school district wellness policy shall be

completed prior to the start of the next school year following the completion of the evaluation. Any changes made to the school district wellness policy shall be approved by the Board of Education and the Department of Public Health.

SECTION 2. This Act shall take effect on the first full school year following 180 days of its passage.