

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:

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

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

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

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

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

21 (2) Ensuring that no student is hungry;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

64 (17) Collaborating with local farmers' markets”

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

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

78 completed prior to the start of the next school year following the completion of the evaluation.

79 Any changes made to the school district wellness policy shall be approved by the Board of

80 Education and the Department of Public Health.

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

82 its passage.