

**HOUSE . . . . . No. 446**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Kay Khan**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act relative to student nutrition and wellness.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	11th Middlesex
John D. Keenan	7th Essex
William Smitty Pignatelli	4th Berkshire
John P. Fresolo	16th Worcester
Benjamin Swan	11th Hampden
Lewis G. Evangelidis	1st Worcester
Timothy J. Toomey, Jr.	26th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 483 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### 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 is hereby  
2 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 Health  
4 shall promulgate regulations requiring all school districts including local and regional districts to  
5 convene a School Wellness Advisory Committee that shall in accordance with federal laws and  
6 regulations develop and recommend to the superintendent of schools and school committee a  
7 school district wellness policy addressing school nutrition, nutrition education, and physical  
8 activity. The committee shall include, but need not be limited to, school committee members,  
9 school administrators, food service directors, food service staff, parents of students in the school  
10 district, students, physical and health education teachers, dietitians, health care professionals and  
11 interested community members.
- 12 (b) The board shall promulgate regulations and minimum standards to provide guidance for said  
13 committees to develop school district wellness policies. These committees shall solicit input  
14 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 of  
20 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  
24 available at all locations where food is sold and ensuring, to the extent possible, that the  
25 food served is fresh;

- 26 (4) Consideration of diverse religious and cultural preferences and requirements in food  
27 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 overall  
31 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  
35 Association including but not limited to training for food services staff to integrate state  
36 and federal nutrition 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  
39 behavioral implications of unhealthy eating, not limited to risk of type 2 diabetes, heart  
40 disease, kidney disease, stroke and cancer;
- 41 (9) Improving the quality of physical education curricula by including classroom lectures  
42 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 of  
47 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  
50 students who reside within walking, 1 mile, or bicycling, 3 miles, distance from school to  
51 take these active modes of transportation to and from school. The SRTS program can  
52 include both educational and encouragement elements, and may also entail work with the  
53 local municipality to implement infrastructure improvements such as improved street  
54 crossings, traffic calming, new or repaired sidewalks, or bicycle/walking paths. Schools  
55 and school districts shall call on the SRTS program housed within the Executive Office  
56 of Transportation for assistance in the development of SRTS programs.
- 57 (13) Altering the economic structures in place to encourage healthy eating by students and  
58 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  
61 half 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 policy to  
66 the Board of Education and the Department of Public Health for approval. The Board of  
67 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 district  
70 wellness policy every three years. This review shall ensure that the policy is in accordance with  
71 federal laws and regulations, and shall consider ongoing changes in nutritional standards and

72 requirements for physical education. The evaluation shall include input from, but not be limited  
73 to, the following individuals or groups: the superintendent of schools, the school committee, the  
74 parent-teacher association, physical education teachers, nutrition and health education teachers,  
75 food service providers, and students. Upon completion of the evaluation, the School Wellness  
76 Advisory Committee shall make recommendations to amend, change or rewrite the school  
77 district wellness policy. Said revisions to the school district wellness policy shall be completed  
78 prior to the start of the next school year following the completion of the evaluation. Any  
79 changes made to the school district wellness policy shall be approved by the Board of Education  
80 and the Department of Public Health.

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