

ADOPTED

CLERK 1

School Wellness Policies

Ms. Fargo moves to amend the bill (Senate No. 2314) by inserting after Section 10 the following section:

SECTION 11: Chapter 71 of the General Laws as appearing in the 2004 Official Edition is hereby amended by adding at the end thereof, the following sections:--

1. (a) The Department of Elementary and Secondary 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 to develop and to 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, school nurses, 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. Existing committees shall qualify as a School Wellness Advisory Committee as long as they meet the standards in this section.

(b) The Department of Elementary and Secondary Education may 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 1 public hearing in the local or regional school district. The policies adopted by said committee may address issues and goals, including, but not limited to all of the following:

Implementing the nutritional standards set forth by the United States Department of Agriculture and state laws and regulations; 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 is served is fresh; Considering the diverse religious and cultural preferences and requirements in food among the student body as well as food allergies; Ensuring that all food served to students throughout the day and after student meets federal and state food safety requirements; Integrating requirements for Physical Education classes in Grades K-12. Physical Education shall be not less than 150 minutes per week at the elementary level and 225 minutes per week in middle and high school levels; 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; 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;

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; Creating and enforcing physical education requirements to promote healthful levels of vigorous physical activity; Implementing a Safe Routes to School, hereinafter referred to as 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 SRTS program housed with the Executive Office of Transportation for assistance in the development of SRTS programs; 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; Creating nutritional guidelines and limitations for school fundraisers operated on school premises from one half house before school begins, during school hours and to one half hour after school ends; Developing a financing plan to implement its policies; Increasing the availability of organic fruits and vegetables and school gardens; and Collaborating with local farmers' markets.

(c) Each School Wellness Advisory Committee shall review and evaluate the school district 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, school nurses 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/regional district wellness policy. Said reservations to the school/regional district wellness policy shall be completed prior to the start of the next school year following the completion of the evaluation.

ADOPTED

CLERK 2

Physical Education

Messrs. Richard Moore and McGee move to amend the bill (Senate, No. 2314) by adding the following new sections:--

SECTION X. Chapter 15 of the General Laws is hereby amended by inserting, after the words "global education", in line 8, the following words:-- ; physical education and activity.

SECTION X. Chapter 15 of the General Laws is hereby amended by inserting, after section 1G (g) the following section:--

(h) The physical education and activity advisory council shall consist of 21 members: 1 of whom shall be the commissioner of public health, or his designee, 5 of whom shall be appointed by the governor, 3 of whom shall be appointed by the senate president, 3 of whom to be appointed by the speaker of the house of representatives, 1 of whom shall be appointed by the minority leader in the senate, and 1 of whom shall be appointed by the minority leader in the house of representatives, 1 of whom shall be the commissioner of higher education, or his designee, 1 of whom shall represent the Massachusetts association for health, physical education, recreation and dance, 1 of whom shall be a representative of the american heart association, 1 of whom shall be a representative of the american diabetes association, 1 of whom shall be a representative of the Massachusetts parent teacher association, 1 of whom shall be a representative of the Massachusetts public health association, and 1 one of whom shall be a representative of the Massachusetts academy of pediatrics. All appointed members shall be individuals with a demonstrated commitment to physical education and activity. The council shall advise the commissioner and make recommendations for schools to promote participation in quality physical education and activity.

SECTION X. The commissioner of elementary and secondary education, in consultation with the commissioner of public health, shall investigate and study physical education standards, practices and instruction provided to students in grades kindergarten to 12, inclusive, for each public school. The study shall include: a report on how each public school is providing curriculum-based quality physical education, school physical education offerings, including the duration of each class and the number of days per week the class meets each year, and the amount of time students participate in recess each week, including space allotted to recess in each school. The commissioner of elementary and secondary education shall consult with the physical education and activity advisory council and report to the general court the results of its investigation and study for each public school and its recommendations, if any, together with drafts of legislation necessary to carry out such recommendation, by filing the same with the governor, the clerks of the senate and house who shall forward the same to the chairs of the joint committee on education and the chairs of the joint committee on public health on or before July 31, 2011.

ADOPTED

CLERK 3

Promoting Healthy Choices

Mr. Richard Moore moves to amend the bill (Senate, No. 2314) by adding the following new section:--

SECTION X. The department of public health shall investigate the utility of developing and implementing pilot initiatives to reduce childhood obesity through school-based, behavioral and incentive-driven programs such as iMove, Planet Health, and others. The department shall report on the findings of this investigation no later than 18 months after the effective date of this act.

ADOPTED

Redraft CLERK 4

State College or University Purchasing

Mr. Downing, Mr. Tarr and Mr. Montigny move to amend S. 2314 by striking section 9 and inserting in place thereof the following:--

Section 9. (a) The department of agricultural resources shall collect data including, but not limited to:

(1) public school districts and other educational institutions currently purchasing locally-grown farm and locally harvested fish products, as well as school districts or other educational institutions not yet preferentially purchasing locally grown farm or locally harvested fish products;

(2) the type of farm or fish products public schools wish to purchase;

(3) farms interested in selling locally-grown farm or locally harvested fish products to public schools or other educational institutions;

(4) the types of locally-grown farm and locally harvested fish products available; and

(5) the names and contact information of farmers, farm organizations, fishermen, or fish processors marketing the locally-grown farm products.

(b) The department of elementary and secondary education shall collect data including, but not limited to:

(1) the name of the procurement contact person at each public school district;

(2) a list of public school districts that feature locally-grown or locally harvested fish foods on their published cafeteria menus;

(3) a list of public school districts that have school garden or greenhouse projects;

(4) a list of public school districts that include local agriculture or fishing in their curricula; and

(5) a list of public school districts that include serving locally-grown or locally harvested foods in their wellness policies as a strategy to encourage healthy student meals.

(c) Based upon the data collected under subsections (a) and (b), the department of agricultural resources, in consultation with the department of elementary and secondary education, shall work with programs that facilitate the acquisition of local agricultural products or locally harvested fish products by public schools, including the farm-to-school project developed by the department of agricultural resources, to develop a process by which farms or fish processors interested in selling to public schools may notify public schools and public schools interested in purchasing locally-grown farm or locally harvested fish products may notify farms; provided, however, that the process ensures fair opportunities for all farms or fish processors interested in selling products to public schools in accordance with applicable laws and regulations.

(d) The department of agricultural resources, in consultation with the department of elementary and secondary education, shall file a report with the office of the governor, the speaker of the house of representatives, the president of the senate, the joint committee on education, the joint committee on public health and the joint committee on environment, natural resources and agriculture that details the results of the data collected under subsections (a) and (b) of this section, the steps taken to comply with subsection (c) and any recommendations, together with drafts of legislation necessary to carry out those recommendations, by March 1, 2011.

ADOPTED

CLERK 5

School Food Facility Safety Standards

Ms. Fargo moves to amend the bill (Senate, No. 2314) in section 6 by inserting after subsection (e) the following new subsection:--

“(f) To promote food safety, the department shall establish by regulation a set of uniform standards to ensure that all facilities and vending machines in a public school that sell, vend or provide food and beverages to students during the school day meet state and federal food safety requirements and inspections, including without limitation such standards: (i) for the sanitation inspections of school food facilities, and remediation and follow-up of any violations; (ii) requiring local officials to report the result of inspections, violations and remediation of such violations for each public school food facility so inspected ; and (iii) for the separate tracking and monitoring of the frequency of inspections of food facilities for each public school in a district that sells, vends or provides food and beverages. The department shall coordinate with the Department of Elementary and Secondary Education to establish standards to provide periodic reports to the department of federal mandated food inspection reports for each public school that sells or provides food or beverages subject to such reporting. All reports and information collected or received by the department pursuant to the requirements of this paragraph shall be a public record subject to the provisions of section 7 of chapter 4.”

CLERK 6

WITHDRAWN

ADOPTED

CLERK 7

Technical Amendment

Mr. Panagiotakos moves to amend the bill (Senate No, 2314), in Section 3, by striking out, in line 20, the words "generally-accepted" and inserting in place thereof the following: sound.