

# STATE OF NEW YORK

7607

2019-2020 Regular Sessions

## IN ASSEMBLY

May 13, 2019

Introduced by M. of A. BENEDETTO -- read once and referred to the  
Committee on Education

AN ACT to amend the education law, in relation to local wellness policies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 2-e to  
2 read as follows:

3 § 2-e. Model wellness policy. 1. The commissioner shall establish a  
4 New York state model wellness policy for local educational agencies  
5 (LEAs) which shall set forth guidelines and procedures for the local  
6 wellness policies required by the federal Healthy, Hunger-Free Kids Act  
7 of 2010. Such policy shall be developed:

8 (a) After soliciting comments from experts and stakeholders, including  
9 but not limited to school administrators, school boards, teachers,  
10 parents, students, school food service directors, physicians, nurses,  
11 registered dietitians, nutritionists, mental health professionals, coop-  
12 erative extensions, not-for-profit organizations, and institutions of  
13 higher education; and

14 (b) In consultation with state agencies including, but not limited to,  
15 the department of health, department of agriculture and markets, office  
16 of mental health, and office of temporary and disability assistance.

17 2. The wellness policy established by subdivision one of this section  
18 shall include, but not be limited to, the following guidance:

19 (a) the minimum federal standards for local school wellness policy  
20 implementation under the final rule of the Healthy, Hunger-Free Kids Act  
21 of 2010 7 CFR 210.30;

22 (b) all relevant state laws;

23 (c) wellness policy implementation, evaluation, and communication;

24 (d) food and nutrition environment, standards, and services (school  
25 meals and other child nutrition programs, farm to school, time for

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 meals, staff qualifications and professional learning, water, compet-  
2 itive foods and beverages, celebrations and rewards, fundraising);

3 (e) food and nutrition education and promotion;

4 (f) food and beverage marketing in schools;

5 (g) physical activity and physical education;

6 (h) comprehensive health education;

7 (i) comprehensive school-based wellness (physical and mental health  
8 and social services, safe and supportive school climates);

9 (j) community partnerships and family engagement;

10 (k) staff wellness, health promotion, and professional learning; and

11 (l) environmental sustainability of schools.

12 3. On or before January first, two thousand twenty, a model wellness  
13 policy shall be forwarded by the commissioner to each local school board  
14 of education in the state. Each such school board will consider such  
15 wellness policy in connection with the one currently used and make  
16 modifications to such policy as necessary.

17 4. Each time an updated wellness policy is adopted by the school  
18 board, it will be sent to the commissioner. In accordance with the final  
19 rule of the Healthy, Hunger-Free Kids Act of 2010, all LEAs must conduct  
20 triennial assessments on the implementation and effectiveness of their  
21 policies. These triennial assessments will also be sent to the commis-  
22 sioner. The commissioner will maintain an online, publicly available and  
23 searchable database of every LEA's most recent wellness policy and  
24 triennial assessment.

25 § 2. This act shall take effect immediately and shall be deemed to  
26 have been in full force and effect on and after April 1, 2019.