Legislation Details (With Text)

File #:	Res 2170-2009	**Version:**	*	**Name:**	Regarding the sale of foods and beverages which are not part of the school nutrition program.
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Title: Resolution calling upon the New York City Department of Education to ensure the strict enforcement of all current laws and regulations regarding the sale of foods and beverages which are not part of the school nutrition program, follow all recommendations contained in the State Comptroller's report on New York City Department of Education School Nutrition, and monitor carefully the content and accessibility of school vending machines.

Sponsors:

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Date	Ver.	Action By	Action	Result
9/17/2009	*	City Council	Introduced by Council	
9/17/2009	*	City Council	Referred to Comm by Council	
12/31/2009	*	City Council	Filed (End of Session)	

Res. No. 2170

Resolution calling upon the New York City Department of Education to ensure the strict enforcement of all current laws and regulations regarding the sale of foods and beverages which are not part of the school nutrition program, follow all recommendations contained in the State Comptroller's report on New York City Department of Education School Nutrition, and monitor carefully the content and accessibility of school vending machines.

By Council Members Lappin, Barron, Brewer, Foster, James, Palma, Seabrook, Weprin, Gerson, Nelson and Mendez

Whereas, The New York City Department of Education (DOE) is responsible for educating approximately one million public school children; and

Whereas, DOE participates in the National School Lunch program, which is a federal program that sets nutritional guidelines for meals served in schools; and

Whereas, DOE's Office of School Food administers the school meals program for the City's public schools; and

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Whereas, Schools participating in the National School Lunch program are required to develop a wellness policy that promotes nutritional education in schools; and

Whereas, Schools participating in the National School Lunch program must also meet federal nutritional guidelines outlined in the Department of Health and Human Services (DHHS) dietary guidelines; and

Whereas, According to the DHHS guidelines, no more than 30% of an individual's calories should come from fat and less than 10% should come from saturated fat; and

Whereas, The Chancellor's Regulations ("Regulations") state that good nutrition plays an essential role in the health and development of young people and helps them do well in school; and

Whereas, Section A-812 of the Regulations limits the sale of approved snack items during the school day and prohibits the sale of non-approved items at any time between the time school opens and six o'clock pm, with the exception of sales in connection with Parent Association and Parent Teacher Association fundraising activities; and

Whereas, The Regulations also require schools to use vending machines equipped with timers, and that such timers be set to lock the machines during the breakfast meal and then again during the lunch periods; and

Whereas, According to the Regulations, school stores must not sell food items during breakfast and from the beginning of the first lunch period until the end of the last lunch period; and

Whereas, DOE SchoolFood Food Services Managers are responsible for monitoring the food and beverage content in vending machines and school stores to ensure that only acceptable items are available for sale to students; and

Whereas, Principals are expected to ensure compliance with all federal, state, and local regulations pertaining to the sale of food and beverages in school; and

Whereas, The New York State Comptroller audited the DOE's school nutrition program and issued a report in June 2009 entitled "New York City Department of Education School Nutrition" ("Report"), which listed several recommendations for improving the school nutrition program; and

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Whereas, Among its recommendations, the Report suggests that DOE direct schools to immediately stop the sale of competitive foods in school stores prior to the end of the last school lunch period and ensure that bake sales do not exceed the once per month limit; and

Whereas, The Report further recommends ensuring the installment of electronic timers that turn off vending machines until the last lunch period has ended, in compliance with the Regulations; and

Whereas, The Report also suggests that DOE establish central contracts containing specified nutritional requirements for all food and beverages sold in school vending machines and school stores, and that DOE modify its listing of approved snack items to include the product serving size; and

Whereas, Additionally, the Report recommends that DOE develop a mechanism for reporting schools that are not in compliance with food and beverage guidelines and that DOE provide training to all principals and SchoolFood employees regarding the requirements in Chancellor's regulation A-812 and the DOE wellness policy; now, therefore, be it

Resolved, That the Council of City of New York calls upon the New York City Department of Education to ensure the strict enforcement of all current laws and regulations regarding the sale of foods and beverages which are not part of the school nutrition program, follow all recommendations contained in the State Comptroller's report on New York City Department of Education School Nutrition, and monitor carefully the content and accessibility of school vending machines.

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