Legislation Details (With Text)

File #:	Res 0082-2010	**Version:**	*	**Name:**	Amend Chancellor's Regulation A-812, in order to repeal the City's ban on the sale of home-baked goods, and other "non-approved" food items from schools, school yards, or school fundraisers.
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On agenda:	3/25/2010				
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Title: Resolution calling upon the New York City Department of Education to amend Chancellor's Regulation A-812, in order to repeal the City's ban on the sale of home-baked goods, and other "non-approved" food items from schools, school yards, or school fundraisers.

Sponsors:

Indexes:

Attachments:

Date	Ver.	Action By	Action	Result
3/25/2010	*	City Council	Introduced by Council	
3/25/2010	*	City Council	Referred to Comm by Council	
12/31/2013	*	City Council	Filed (End of Session)	

Res. No. 82

Resolution calling upon the New York City Department of Education to amend Chancellor's Regulation A-812, in order to repeal the City's ban on the sale of home-baked goods, and other "non-approved" food items from schools, school yards, or school fundraisers.

By Council Member Brewer, Chin, Comrie, Dromm, Fidler, Gentile, Jackson, Lappin, Palma, Recchia, Vann, Rodriguez, Halloran, Nelson and Dickens

Whereas, A Department of Education (DOE) regulation, Chancellor's Regulation A-812, amended February 2010, states that only food and beverages approved by the Office of School Food and/or purchased through central contracts may be offered for sale to students through vending machines, school stores, student fundraising, and/or other school fundraising activities from the beginning of the school day until 6 PM; and

Whereas, The regulation further states that the rule respecting the sale of non-approved food items may only be lifted to permit Parent Associations and Parent-Teacher Associations (PA/PTA) to raise funds using food sales once per month, as long as their sale of any non-approved food items occurs outside the cafeteria;

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and

Whereas, While the exception for Parent Associations and Parent-Teacher Associations (PA/PTA) would allow them to sell home-baked goods once per month, as long as their sale occurs outside the cafeteria, no such exception exists for school or student fundraisers; and

Whereas, The list of food and beverages approved by the Office of School Food includes snack items of questionable nutritional value including cookies, "pop-tarts" and an assortment of chips; and

Whereas, The deputy chancellor who oversees the regulation was quoted as saying that the approved snacks were not "necessarily foods we recommend that students eat" according to a February 25, 2010 *New York Times* City Room article; and

Whereas, The *New York Times* noted in an October 3, 2009 article that bake sales have consistently been lucrative fundraising tools for school clubs and teams, and serve to help finance many extracurricular functions and charitable contributions as well; and

Whereas, The *Village Voice* commented on October 27, 2009 that the Beacon School in Manhattan and several other schools, use the profits from bake sales to fund scholarships for selected or needy students each year; and

Whereas, In January 2010 Chancellor Klein waived the restrictions on bake sales to allow schools and students to raise funds for earthquake relief in Haiti; and

Whereas, *Gotham Schools*, an online periodical that chronicles the New York City public school system, reported on November 13, 2009 that students from high schools citywide staged a protest of the DOE regulation at City Hall in early November, arguing that enforcing the ban detracts attention from much more disparaging problems in the city's schools; and,

Whereas, Public schools in New York City have already had to absorb budget cuts of approximately 4% in FY10, forcing the elimination of some staff positions and many extracurricular programs; and

Whereas, Both the Mayor and Governor are projecting additional education cuts due to the ongoing

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fiscal crisis; and

Whereas, Student extracurricular activities are often among the first programs to be cut in response to school budget reductions, thereby contributing to the need for students to raise funds to support such activities; and

Whereas, A diabetes researcher at the Albert Einstein College of Medicine stated in an article in the *Village Voice* on October 27, 2009 that increased physical education programs would contribute much more to the health and well-being of students than the bake sale ban, and that the ban will be ineffective in solving the issues of childhood obesity; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to amend Chancellor's Regulation A-812, in order to repeal the City's ban on the sale of home-baked goods, and other "non-approved" food items from schools, school yards, or school fundraisers.

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