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Int. No. 559

By Council Members Brewer, Hanif, Gennaro, Restler, Schulman, Krishnan, Joseph, Menin, Lee and Narcisse

A Local Law to amend the administrative code of the city of New York, in relation to reporting on food and nutrition education in New York city schools

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 29 to read as follows:

CHAPTER 29

REPORTING ON FOOD AND NUTRITION EDUCATION

§ 21-2901 Reporting on food and nutrition education. a. Definitions. For the purposes of this chapter, the following terms have the following meanings:

External food and nutrition education program. The term "external food and nutrition education program" means a program that is implemented by an organization other than a school and that provides school-based food and nutrition education to students either at a school or at an offsite location.

External food and nutrition education provider. The term "external food and nutrition education provider" means an organization other than a school, such as a nonprofit, hospital, company, government agency, university or other entity that contracts with the department to provide school-based food and nutrition education to students either at a school or at an offsite location.

Food and nutrition education. The term "food and nutrition education" means instruction, the provision of materials and the facilitation of educational activities that give students the motivation, skills and knowledge to make and advocate for healthy choices. Food and nutrition education topics include, but are not limited to,

food justice, promoting ecological sustainability, the health benefits of nutritious diets, food supply challenges and the relationship between nutrition, physical activity and well-being.

School. The term “school” means a school of the city school district of the city of New York.

b. Annual reporting on food and nutrition education. No later than August 31, 2023 and by August 31 of each calendar year thereafter, the department shall submit to the council, post on the department’s website and publish on the city's open data portal in a non-proprietary machine-readable format that permits automated processing, an annual report based on data from the preceding school year. The report shall include, but need not be limited to, the following:

1. The average frequency and average total minutes per week of food and nutrition education provided to students in each grade level in each school;

2. The average frequency and average total minutes per week of food and nutrition education provided to students in each grade level in each school;

3. The number of students receiving food and nutrition education in each grade level in each school disaggregated by (i) race and ethnicity; (ii) gender; and (iii) eligibility for free or reduced-price lunch as determined annually by the United States Department of Agriculture pursuant to subparagraphs (A) and (B) of paragraph (1) of subsection (b) of section 1758 of title 42 of the United States code;

4. The percentage of total time, including minutes, spent on food and nutrition education facilitated by department personnel and the percentage of total time, including minutes, spent on food and nutrition education facilitated by an external food and nutrition education provider in each grade level in each school;

5. The number of department personnel in each school who have received training in food and nutrition education, including the number of hours of training in food and nutrition education and the name of the facility that provided such training;

6. For each school contracting with external food and nutrition education providers for the purposes of providing food and nutrition education: (i) the name and address of the external food and nutrition education

provider; (ii) whether the external food and nutrition education provider is a nonprofit, a hospital, a company, a government agency, a university or some other type of entity; (iii) whether the school incurs additional costs by contracting with the external food and nutrition education provider; (iv) whether the school receives any additional funding to pay for the external food and nutrition education program; and (v) any additional relevant data as determined by the department.

7. The methodology by which the data in paragraphs 1, 2, and 3 of this subdivision is tracked at the school level.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§ 2. This local law takes effect 90 days after it becomes law.

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