

ASSEMBLY BILL NO. 547—COMMITTEE ON EDUCATION

MARCH 28, 2011

Referred to Committee on Education

SUMMARY—Prescribes provisions relating to school wellness policies. (BDR 34-188)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring the Department of Education to adopt a statewide school wellness policy; requiring boards of trustees of school districts and governing bodies of charter schools to adopt local school wellness policies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law requires every local education agency that participates in a program of nutrition authorized by the National School Lunch Program (42 U.S.C. §§ 1751 et seq.) or the Child Nutrition Act (42 U.S.C. §§ 1771 et seq.) to establish a local school wellness policy that meets certain criteria. (Public Law 108-265)

Section 2 of this bill requires the Department of Education, in consultation with the Health Division of the Department of Health and Human Services, to adopt a statewide school wellness policy that meets the federal criteria.

Section 3 of this bill requires the boards of trustees of school districts and governing bodies of charter schools to adopt local school wellness policies that meet the minimum standards adopted by the Department of Education and to consult with certain interested persons to develop the school wellness policy.

Section 4 of this bill requires the Department of Education, in consultation with the Health Division, to evaluate, for a period of 2 years, the effectiveness of school wellness policies adopted by the boards of trustees of school districts and the governing bodies of charter schools.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Department shall, in consultation with the Health Division of the Department of Health and Human Services, prescribe by regulation a statewide school wellness policy which must set forth the minimum requirements for school districts and charter schools in establishing local school wellness policies.*

2. The policy adopted by the Department must include, without limitation:

(a) Goals for nutrition education, physical activity and other school-based activities that are designed to promote the health and wellness of pupils;

(b) Guidelines for nutrition for all foods available at a public school during the school day which must be designed to promote the health and wellness of pupils and reduce childhood obesity; and

(c) Guidelines for food served by public schools that is reimbursed out of money appropriated by the Congress of the United States, which must ensure compliance with the regulations and guidance issued by the Secretary of Agriculture pursuant to the National School Lunch Program, 42 U.S.C. §§ 1751 et seq., and the Child Nutrition Act, 42 U.S.C. §§ 1771 et. seq.

Sec. 3. 1. *The board of trustees of a school district shall adopt a local school wellness policy in accordance with the statewide school wellness policy adopted by the Department pursuant to section 2 of this act. The board of trustees shall adopt the local school wellness policy in consultation with:*

(a) Principals, teachers and other educational personnel;

(b) Pupils enrolled in the school district;

(c) Parents and legal guardians whose children are enrolled in the school district; and

(d) Any other interested persons.

2. The board of trustees of a school district shall designate at least one person as the person responsible for the implementation and oversight of the local school wellness policy within the school district.

3. The governing body of a charter school shall adopt a local school wellness policy in accordance with the statewide school wellness policy adopted by the Department pursuant to section 2 of this act. The governing body shall adopt the local school wellness policy in consultation with:



- 1 (a) *The principal, teachers and other educational personnel;*
- 2 (b) *Pupils enrolled in the charter school;*
- 3 (c) *Parents and legal guardians whose children are enrolled in*
- 4 *the charter school; and*
- 5 (d) *Any other interested persons.*

6 **4. The governing body of a charter school shall designate at**

7 **least one person as the person responsible for the implementation**

8 **and oversight of the local school wellness policy for the charter**

9 **school.**

10 **Sec. 4.** 1. The Department of Education shall, in consultation

11 with the Health Division of the Department of Health and Human

12 Services, establish a system to rate the development,

13 implementation and effectiveness of the local school wellness policy

14 adopted by each board of trustees of a school district and each

15 governing body of a charter school.

16 2. The Department of Education, in consultation with the

17 Health Division, shall, for the period beginning on July 1, 2011, and

18 ending on June 30, 2013, rate school districts and charter schools on

19 the development, implementation and effectiveness of the local

20 school wellness policies.

21 **Sec. 5.** This act becomes effective on July 1, 2011.

